

1 UNITED STATES OF AMERICA  
2 UNITED STATES DISTRICT COURT  
3 CENTRAL DISTRICT OF CALIFORNIA  
4 EASTERN DIVISION

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6 HONORABLE VIRGINIA A. PHILLIPS  
7 UNITED STATES DISTRICT JUDGE PRESIDING  
8 - - -

9 UNITED STATES OF AMERICA, )  
10 )  
11 PLAINTIFF, )  
12 )  
13 VS. ) CASE NO.:  
14 ) ED CR 12-00092(B) -VAP  
15 SOHIEL OMAR KABIR )  
16 RALPH KENNETH DeLEON, )  
17 )  
18 DEFENDANTS. )  
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26 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
27 (P.M. SESSION)

28 TUESDAY, AUGUST 19, 2014

29 LOS ANGELES, CALIFORNIA

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1 RIVERSIDE, CALIFORNIA; TUESDAY, AUG. 19, 2014; 1:15 P.M.

2 - - -

3 THE COURT: Good afternoon. Let the record reflect  
4 the presence of all members of the jury. All counsel and  
5 defendants are present.

6 And your next witness?

7 MR. CHIU: Yes, Your Honor. Before I have the next  
8 witness, would it be okay to read a stipulation into the  
9 record, Your Honor?

10 THE COURT: Oh. That's right, go ahead.

11 MR. CHIU: Your Honor, the government and the  
12 parties have stipulated pursuant to Rule 90211 that the  
13 following record is a business record that is a certified  
14 domestic record of regularly conducted activity and is  
15 accompanied by a written declaration from a custodian of  
16 record from the business organization which the records  
17 originate.

18 The records at issue here is Government's  
19 Exhibit 709, and that would be the records from Google and  
20 the -- relating to the account holder number identified as  
21 Rafiq Abdul Raheem spelled R-a-f-i-q A-b-d-u-l Raheem and the  
22 records contained therein, Your Honor. So at this time, the  
23 government moves Exhibit 709 into evidence.

24 THE COURT: And this is by stipulation of the  
25 parties; correct?

1 MR. THOMAS: That is correct, Your Honor.

2 MR. AARON: Yes, Your Honor.

3 THE COURT: Thank you.

4 MR. CHIU: Thank you, Your Honor.

5 THE COURT: 709 is it?

6 MR. CHIU: Yes.

7 THE COURT: Ordered admitted.

8 (Exhibit 709 admitted.)

9 MR. CHIU: Thank you. The United States calls Paul  
10 Mueller.

11 THE COURT: Thank you.

12 THE CLERK: Please raise your right hand.

13 (Witness sworn.)

14 THE CLERK: Thank you. You may be seated.

15 Please state your full name and spell it for the  
16 record.

17 THE WITNESS: Paul S. Mueller. It's M-u-e-l-l-e-r.

18 THE COURT: Thank you.

19 You may inquire.

20 DIRECT EXAMINATION

21 BY MR. CHIU:

22 Q. What do you do for a living?

23 A. Uh, I'm an agent with the FBI.

24 Q. And how long have you been an agent with the FBI?

25 A. For 13 years.

1 Q. What is your specific title at the FBI right now?

2 A. Right now, it is Unit Chief of the Data Intercept  
3 Technology Unit.

4 Q. Okay. Could you just slow down just a tad bit so that  
5 the court reporter can write down everything you say? So  
6 again, what is your exact title at the FBI?

7 A. The Unit Chief of the Data Intercept Technology Unit.

8 Q. And is the Data Intercept Technology Unit within the  
9 larger division at -- at the FBI?

10 A. It is. We're inside of the Operational Technology  
11 Division or OTD.

12 Q. Can you generally describe what the Data Intercept  
13 Technology Unit does?

14 A. We support the field offices throughout the U.S. in  
15 collecting data, packets with data. To put it in different  
16 terms, emails, Internet traffic, things of nature.

17 Q. What are your some of your specific responsibilities as  
18 a unit chief for the Data Intercept Technology Unit?

19 A. Some of my responsibilities are, of course, uh, managing  
20 some of the individuals that are within our unit. What our  
21 unit does is, uh, we collect and we manage different liaisons  
22 with different types of service providers throughout the U.S.  
23 in assistance to the field.

24 Q. By the way, does Data Intercept Technology Unit also go  
25 by an acronym?

1 A. DITU, D-I-T-U.

2 Q. Prior to becoming the unit chief at DITU, did you --  
3 what else did you?

4 A. Uh, prior to coming to DITU in 2007, I was an agent in  
5 the Portland Field Office where I did cyber crimes, hi-tech  
6 crimes. I was a computer forensic analyst, CART individual.  
7 I worked crimes against children, violent crimes and bank  
8 robberies.

9 Q. Were you a supervisor?

10 A. Uh, no, not at the time.

11 Q. You went directly from the field office to headquarters.

12 A. Yes.

13 Q. And you indicated your experience as a special agent was  
14 where?

15 A. In the Portland Field Office.

16 Q. And while you were in the Portland Field Office, did you  
17 focus on any particular types of crimes?

18 A. Yes. A lot of computer crimes. I was part of the  
19 hi-tech task force and also computer forensics at well.

20 Q. Were you a computer forensic examiner?

21 A. Yes, I was.

22 Q. And how long were you a forensic examiner?

23 A. Approximately three years.

24 Q. Can you describe your training and experience relating  
25 to your technical background?

1 A. A lot of my Bachelor's and my Master's degree were both  
2 in computer information systems so I have a lot of experience  
3 in those areas. In addition to some of our CART or some our  
4 cyber crimes, we get additional types of training as well in  
5 networks, in computer type information type systems.

6 Q. Approximately how many hours have you spent working with  
7 data intercept technology?

8 A. I've been there since 2007 so approximately seven years  
9 worth of actually doing that type of, uh --

10 Q. And technical work?

11 A. Yes.

12 Q. How many years would you estimate have you spent in  
13 technical work?

14 A. Uh, even before I was in the bureau, I was in  
15 professional support where I was also doing technical work  
16 with computer infrastructures, and before that as well as a  
17 general contractor, I performed computer maintenance,  
18 computer infrastructure type of maintenance.

19 Q. Now, in your duties with the DITU, are you familiar with  
20 the various types of Internet based accounts a user or  
21 individual can have?

22 A. Yes.

23 Q. What are those types -- what are some of examples of  
24 those accounts?

25 A. Some of those examples would be a lot of companies



1 provide different types of services. You have companies who  
2 provide Internet type service to your house or to different  
3 locations. You also have service providers who may provide  
4 email accounts, who may provide social online type of  
5 accounts, social networking type of accounts. So depending  
6 on what type of technology it is, different companies provide  
7 you with different types of services. So there's various  
8 different types of services that these companies are able to  
9 provide.

10 Q. Are you familiar with what electronic surveillance is?

11 A. Yes.

12 Q. What is electronic surveillance?

13 A. Electronic surveillance is the, um -- is the  
14 surveillance on someone's -- some individual's account, uh,  
15 maybe an email, uh, maybe a social networking type of account  
16 where the collection takes place by the service provider, and  
17 as that collection takes place, information is then passed  
18 to, uh -- there's an order. That information is passed to  
19 the collection agency.

20 Q. And is your unit, DITU, primarily concerned with the  
21 collection of data from these Internet based accounts?

22 A. Uh, yes.

23 Q. Are you familiar with the various types of  
24 authorizations that can be granted for you to conduct  
25 electronic surveillance, or excuse me, for DITU to conduct or

1 the FBI to conduct electronic surveillance?

2 A. Yes.

3 Q. What are some of those authorizations?

4 A. Some of those authorizations would be some of type FISA  
5 order, a criminal order or maybe a consent.

6 Q. With respect to a FISA authorization, who -- first of  
7 all, what does FISA stand for?

8 A. I can't recall off the top of my head.

9 Q. Are you familiar with the term Foreign Intelligence  
10 Surveillance Act?

11 A. Yes.

12 Q. Is that what FISA stands for?

13 A. Yes, it is.

14 Q. Now, with respect to FISA authorization, who authorizes  
15 the FBI to conduct electronic surveillance on these Internet  
16 based accounts?

17 A. It's a FISA court that gets -- that actually signs that  
18 particular court order.

19 Q. Now, when you say the FISA court, is there a specific  
20 court in which one can apply for a FISA order?

21 A. Yes.

22 Q. In your responsibilities as unit chief for DITU, are you  
23 familiar with the processes and the procedures which the FBI  
24 can obtain and conduct electronic surveillance through the  
25 FISA orders?

1 A. Yes.

2 Q. Can you generally describe what happens after the FISA  
3 court authorizes the electronic surveillance on an Internet  
4 based account?

5 A. In most instances for a FISA authorization, that  
6 specific court order goes out to, uh -- depending on where  
7 the area of responsibility is in most instances, out to maybe  
8 San Francisco, San Jose, and they coordinate with that local  
9 provider as far as serving them that sort -- that  
10 authorization. In addition, an order comes to us where we  
11 look at the order, and we make sure that that information  
12 gets inputted into one of our tracking system.

13 Q. So can you give an example of a provider?

14 A. A provider such as Hotmail, Microsoft, Google.

15 Q. So what happens when Hotmail receives a FISA order?

16 A. It's actually the provider who goes up on that  
17 authorization, an individual representing the FBI goes, and  
18 serve that order to a representative of the company, and then  
19 that company then provisions that account for a collection.

20 Q. What do you mean by provisions that account for a  
21 collection?

22 A. Uh, they set up that -- they set up their systems, uh,  
23 however those links may be so that they can affect that  
24 specific court order.

25 Q. And do they coordinate with the FBI to be able to

1 retrieve the data that -- that is, um, at interest?

2 A. Uh, yes.

3 Q. Who is it that actually collects the data?

4 A. Uh, depending on whatever provider it is, it's the  
5 provider who actually, uh, does the actual collection of that  
6 data.

7 Q. Does the FBI collect the data?

8 A. It really depends on the provider, but in most  
9 instances, no.

10 Q. What happens after the provider provisions the data to  
11 be the FBI?

12 A. Uh, in -- in some instances depending on the provider  
13 there's an agreed upon, um . . . there's an agreed upon  
14 process where, uh, they do the collection, and then they  
15 provide the data to us.

16 Q. Is that process automated?

17 A. It is.

18 Q. Can you describe how that process is automated?

19 A. In most instances, what happens is the provider, based  
20 upon that agreed upon process, they provide us that  
21 information. Immediately when we get that information, uh,  
22 we perform what's called an MD-5 hash so a unique signature  
23 on that data that we receive. Once we receive that data, we  
24 send it -- this is all automated. We send that -- that data  
25 through some of our systems, and we make sure that they --

1 and we send to a location where the case agent is then able  
2 to review it.

3 Q. Let's take that step by step. So once the provider  
4 provisions the data to the FBI, what happens -- let's take it  
5 step by step. What happens after that?

6 A. After the provider provisions it, they provide that  
7 package to us to an agreed upon location wherever that may  
8 be.

9 Q. What does the FBI do with that information when it  
10 receives it?

11 A. We immediately MD-5 it so the first thing we do is we  
12 get that unique signature of that specific package file.

13 Q. Do you add any additional information to the data?

14 A. Uh, not to the original data, but there may be some  
15 information that we package around it such as date and time  
16 that we received it, uh, the actual value of that MD-5 hash.  
17 So there's things that we wrap around it so that later on, we  
18 can track it as it goes through some of our systems.

19 Q. Is one of the things that you wrap around it known as a  
20 PIN?

21 A. I'm sorry?

22 Q. A PIN or Product Identification Number?

23 A. Not a Product Identification Number but an MD-5 hash.

24 Q. When you are adding this information, does it alter or  
25 change the original data that's been provided to you by the

1 provider?

2 A. It does not.

3 Q. What happens after you receive the -- you add this  
4 information to the data provided by the provider?

5 A. After we receive that data, then we have some checks and  
6 balances where we make sure that that data that we received  
7 is authorized based on a specific court. So as we receive  
8 that data, we want to make sure that if we pass it along,  
9 it's within the parameters of that specific court order. Uh,  
10 once it -- once it passes that validation process, we then  
11 send it off to one of our viewing platforms where they then  
12 assign a PIN to it and load it into their systems for case  
13 agents to review.

14 Q. Are you familiar with a program called the Data  
15 Warehouse System?

16 A. Yes.

17 Q. And is that the system that receives the information  
18 once the, uh -- once the data has been wrapped as you were  
19 saying with the information you've added?

20 A. Yes.

21 Q. And at that time is a PIN number or product ID number  
22 generated into the system?

23 A. Yes. When it's loaded into their system, they assign a  
24 specific product ID number to it.

25 Q. Special Agent Mueller, were you provided with an exhibit

1 list for the government's -- for this case?

2 A. Uh, yes, I was.

3 Q. And in connection with receiving that exhibit list, were  
4 you asked to review all of the products in the government's  
5 exhibit list that had product ID numbers?

6 A. Yes.

7 Q. Did you conduct that review?

8 A. Uh, yes, we did.

9 Q. How did you conduct that review?

10 A. Uh, well, as I mentioned before, each -- as soon as we  
11 touch that information, we perform an MD-5 hash. We take it  
12 with a unique signature. That signature follows it all the  
13 way through. What we then do is the data that has been out  
14 in the DWS system, when we're asked to verify this, we go to  
15 the DWS system, and we ask them to pull back the data that  
16 they had presented. We then rerun that MD-5 hash program,  
17 and we make sure that the MD-5 hash that showed up was the  
18 exact replica of the original MD-5 hash that we had provided.

19 Q. And was that for based on your understanding all of the  
20 exhibits that were from Internet based accounts?

21 A. Yes, all the ones with the PIN numbers.

22 Q. And again, did you, uh -- did you match the MD-5 hashes  
23 and digital fingerprints for each of these exhibits with the  
24 original data that was provided from the provider?

25 A. Yes.

1 Q. And did they match?

2 A. They did, and that's -- no changes had been made along  
3 the way.

4 Q. And just to be clear, the government filed a second  
5 amended exhibit list on August 5th. Did you, uh, insure by  
6 looking at the most recent one that all the PIN numbers for  
7 the Internet based account data were reviewed by your unit?

8 A. Yes.

9 Q. And did all the MD-5 hashes for those exhibits or items  
10 match?

11 A. They did.

12 MR. CHIU: One moment, Your Honor.

13 I have no further questions, Your Honor.

14 THE COURT: Thank you.

15 Mr. Aaron?

16 MR. AARON: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. AARON:

19 Q. Good afternoon, sir.

20 A. Good afternoon.

21 Q. You have an AA, I believe, a BS and an MS; right?

22 A. Correct.

23 Q. What school were they from?

24 A. The AA was from the Air Force, and the BS and the MS was  
25 from Bellview University.



1 Q. Is that in Washington State?

2 A. Uh, no. That is in -- it's near Omaha, Nebraska near  
3 Offutt Air Force Base.

4 Q. And you say you had your AA from the Air Force?

5 A. Yes, in Applied Sciences.

6 Q. All right. Were you a member of the United States Air  
7 Force?

8 A. I was.

9 Q. And then after that, you started working, excuse me, as  
10 a contract worker for the FBI?

11 A. Uh, no. I started -- I worked for a contractor on the  
12 Air Force base for GTE. We maintained the computer systems  
13 in one of their underground command centers.

14 Q. I'm sorry. You worked for a contractor on the GTE  
15 systems or a contractor that was subcontracted to GTE?

16 A. I was the contractor for GTE, and we worked for the air  
17 force.

18 Q. I see. You mentioned the FISA court. Do you recall  
19 that testimony?

20 A. Yes.

21 Q. And you said there's a special court that you apply to  
22 for the warrants?

23 A. It's what the AUSA and the case agents apply to, yes.

24 Q. But that's a different court than their regular United  
25 States District Court.

1 A. Correct.

2 Q. And that's a court that meets in secret; right?

3 A. I believe so. Yes.

4 Q. And there's no defense attorneys there.

5 A. Not that I'm aware of.

6 MR. CHIU: Objection, Your Honor. Relevance.

7 THE COURT: Sustained.

8 MR. AARON: It was on his direct.

9 THE COURT: No, but that's a different objection.

10 The objection's sustained.

11 BY MR. AARON:

12 Q. You said that you were asked to review all items that  
13 had a product number or a PIN number? I couldn't hear that  
14 well.

15 A. Yes.

16 Q. I'm sorry. Which ones?

17 A. The ones with the PIN numbers.

18 Q. Okay. Do you remember -- and I presume that you don't  
19 have that figure in your head, but do you have an idea about  
20 how many exhibits you're talking about?

21 A. Uh, no, I don't. Probably, uh, I would say roughly, uh,  
22 100, 150.

23 Q. 100 or 150 exhibits?

24 A. Yes.

25 Q. Can you give us an idea of what you're talking about?

1 Would it help you to, uh -- would it refresh your  
2 recollection to look at a copy of the government's second  
3 amended witness list -- exhibit list?

4 A. Sure.

5 MR. AARON: Your Honor, could I approach?

6 THE COURT: You may.

7 THE WITNESS: Yes. There's no new PIN numbers on  
8 there.

9 BY MR. AARON:

10 Q. Sorry, I have to go back to the lectern to ask a  
11 question. My question to you is do you remember any of the  
12 exhibits that you did that examination on?

13 A. As far as the content of those exhibits?

14 Q. Just which exhibits. My question is simpler. Which  
15 exhibits did you do the examination on?

16 A. I would have to go back and look at the list.

17 MR. AARON: All right. May I approach again, Your  
18 Honor?

19 THE COURT: You may.

20 BY MR. AARON:

21 Q. And please, Agent Mueller, I just want you to come up  
22 with the first couple exhibits that you worked on. If you  
23 could let me know, and I'll write down the numbers. You can  
24 look at the entry to refresh your recollection, and I'd like  
25 to ask you some questions about them. All right, sir. Did

1 that refresh your recollection of what exhibits you examined?

2 A. There were no PIN numbers so no were reviewed in that  
3 amendment.

4 Q. Okay. So you didn't review any exhibits in the second  
5 amended list.

6 MR. CHIU: Objection, Your Honor. Misstates the  
7 testimony.

8 MR. AARON: That's what I'm asking him for.

9 THE WITNESS: No.

10 THE COURT: I'm sorry, I need to rule on the  
11 objection. And I'm confused about both your question and his  
12 answer.

13 MR. AARON: Let me clarify that. I'll withdraw  
14 that.

15 Q. Did you examine any of the exhibits in the second  
16 amended witness list? Exhibit list, sorry.

17 A. I did not observe any PIN numbers so no in the second --  
18 in the second list.

19 Q. Are there exhibits that you might have examined -- you  
20 can only identify them by the PIN numbers? Is that what  
21 you're telling us?

22 A. Correct.

23 Q. Okay. So you might have examined exhibits here. You  
24 just don't -- you can't remember.

25 A. If there was a PIN number, that's how we referenced them

1 with the N system.

2 Q. Okay. So as you sit here today, when you're looking at  
3 this list, so you see no PIN numbers so you can't swear that  
4 you examined those objects.

5 A. Uh, correct.

6 Q. Okay. When you do examine objects, what you do is you  
7 run the MD-5 hash, you find the MD-5 hash value, and you  
8 compare that to what it was originally; right?

9 A. Correct.

10 Q. And that tells you that the material that you're  
11 examining or that you're examining is the same as the source  
12 material.

13 A. On the contents, correct.

14 MR. AARON: Thank you, sir.

15 Nothing further.

16 THE COURT: Mr. Thomas?

17 MR. THOMAS: I have no questions, Your Honor.

18 THE COURT: All right.

19 Mr. Chiu.

20 REDIRECT EXAMINATION

21 BY MR. CHIU:

22 Q. Mr. Mueller, let's try to clear this up. Were you  
23 provided with the government's exhibit list with PIN numbers?

24 A. Yes.

25 Q. Was that to assist you in your review of the exhibits in

1 this case?

2 A. It was. That's how we identify the actual products  
3 themselves.

4 Q. And in preparation for your testimony today, did you  
5 review all the PIN numbers that were provided to you in the  
6 government's exhibit list?

7 A. Yes.

8 Q. And were those all associated with Internet based  
9 accounts that were collected by your unit, the DITU?

10 A. Yes.

11 Q. And to be extra careful, were you provided with the  
12 government's second amended exhibit list?

13 A. Yes.

14 Q. Did you compare all the exhibits in the list that was  
15 provided with you with the second amended exhibit list?

16 A. Yes.

17 Q. Did you review all the PIN numbers of the products in  
18 the second amended exhibit list as well?

19 A. We reviewed the PIN numbers, correct.

20 Q. There were no additional products in the second  
21 amendment exhibit list with PIN numbers.

22 MR. AARON: All leading questions, Your Honor.

23 THE COURT: Sustained.

24 BY MR. CHIU:

25 Q. Were there any exhibits in the second amended list that

1 weren't on the first exhibit list?

2 A. No.

3 Q. Did you review all the PIN numbers in the first exhibit  
4 list?

5 A. Yes.

6 MR. CHIU: No further questions, Your Honor.

7 MR. AARON: One question, Your Honor.

8 THE COURT: Go ahead.

9 RECROSS-EXAMINATION

10 BY MR. AARON:

11 Q. Where's the list with the PIN numbers?

12 A. Uh, they were in the exhibit -- in the first exhibit,  
13 the PIN numbers.

14 Q. Oh, the government has that list.

15 A. It's the list that they provided, correct.

16 MR. AARON: Thanks.

17 Nothing further.

18 THE COURT: All right, thank you.

19 You may step down.

20 MR. CHIU: Your Honor, would it help to identify it  
21 as a government's exhibit?

22 THE COURT: Yes. Is that the one with the PIN  
23 numbers?

24 MR. CHIU: Yes, Your Honor.

25 THE COURT: All right.

1 MR. CHIU: And we can mark it as Government's  
2 Exhibit 710 just for the record.

3 THE COURT: All right, thank you.

4 MR. AARON: I think counsel needs to show it to the  
5 witness. After you've referenced it --

6 THE COURT: Yes.

7 MR. CHIU: Your Honor, may I do that?

8 THE COURT: You may. Do you want this witness  
9 subject to recall?

10 MR. AARON: Please, Your Honor.

11 THE COURT: All right. You may step down, but  
12 you're subject recall.

13 THE WITNESS: Okay.

14 THE COURT: Thank you.

15 MR. CHIU: Your Honor, just to be clear, um, I  
16 believe Mr. Mueller is from, uh, D.C. or Virginia, and would  
17 he want him for recall for today or for future proceedings?

18 THE COURT: Well, what's your -- what's your  
19 position?

20 MR. AARON: Your Honor, if we could take this up at  
21 the next recess, I think we'll be able to resolve this issue.

22 THE COURT: All right.

23 MR. AARON: I'm sorry, I couldn't hear. Did the --  
24 did the witness affirm what that was?

25 THE COURT: Yes.



1 MR. AARON: And what exhibit is that?

2 THE COURT: 710, I believe. So you can step down  
3 and leave that on the witness stand, if you would, please.

4 All right. Your next witness?

5 MR. CHIU: Your Honor, the United States calls  
6 Patrick Bowens.

7 THE CLERK: Please raise your right hand.

8 (Witness sworn.)

9 THE CLERK: Thank you. You may be seated.  
10 Please state your full name and spell it for the  
11 record.

12 THE WITNESS: Patrick B. Bowens, B-o-w-e-n-s.

13 DIRECT EXAMINATION

14 BY MR. CHIU:

15 Q. Special Agent Bowens, what do you do for a living?

16 A. I work for the FBI.

17 Q. What do you do for the FBI?

18 A. I'm a supervisory special agent, and I work for a unit  
19 called TICTU, T-I-C-T-U.

20 Q. And can you spell that out just so that -- oh, I'm  
21 sorry. Did you just say T-I-C-T-U? I'm sorry.

22 A. Yes, that's correct.

23 Q. How long have you been employed with the FBI?

24 A. 17 years.

25 Q. Is the Telecommunications Intercepted Collection

1 Technology Unit part of OTD?

2 A. Yes, it is.

3 Q. And again, OTD, what does OTD stand for?

4 A. Operational Technology Division.

5 Q. I'm sorry. My co-counsel just informed me I might have  
6 said, uh -- might not have said the full name. So just to be  
7 clear, what does TICTU stand for?

8 A. Telecommunications Intercept and Collections Technology  
9 Unit.

10 Q. And is that unit within the division of the FBI?

11 A. Yes.

12 Q. And what division is that?

13 A. OTD which is the Operational Technology Division.

14 Q. Is that also the unit that's -- that's -- is that also  
15 the division that the Data Intercept Technology Unit is in?

16 A. Is it the same division? Yes, it is.

17 Q. What are your responsibilities as a supervisory special  
18 agent for TICTU?

19 A. I have administrative oversight for the collection  
20 platform which also we provide and maintain the, uh,  
21 collection, the telephonic collection systems.

22 Q. Can you explain a little bit about what TICTU does?

23 A. Well, all of the FBI do the telephone intercepts or the  
24 collections for the FBI.

25 Q. Where is, uh -- where is TICTU located?

1 A. It's in Quantico, Virginia. And it's actually in a  
2 building called ERF, the Engineering Research Facility.

3 Q. And is that where you're based out of right now?

4 A. Yes, it is.

5 Q. Have you previously testified in federal court regarding  
6 your work with TICTU?

7 A. Yes, I have.

8 Q. Approximately how many times?

9 A. Five or six times.

10 Q. Prior to becoming a supervisory special agent in TICTU,  
11 what did you do?

12 A. Prior to that, I joined the bureau back in 1997 as a  
13 special agent. I was with the, um . . . sorry, I'm drawing  
14 a blank for a second there, um, applicant squad. And you do  
15 interviews of the people who are going to be in the federal  
16 government and work with classified or secret information. I  
17 did that for a year, and then I moved on to the SOG which is  
18 the Special Operations Group which deals with ELSUR and  
19 surveillance. Uh --

20 Q. Let me stop you there. What does ELSUR mean? How do  
21 you spell ELSUR?

22 A. E-L-S-U-R, and that's the electronic surveillance.

23 Q. What else did you do?

24 A. From there, I went to the D.C. Public Corruption and  
25 Fraud Squad. I was there for almost five years. After that,

1 I became a technically trained agent. I was -- did that for  
2 about three years. All this was in Washington Field Office.

3 After that I took the test to be a supervisory  
4 special agent which I am now, passed it, and I became a  
5 supervisor on the TPDU which was the Technical Personnel  
6 Development Unit. I was there for about three-and-a-half  
7 years, and then I came to TICTU where I've been for last  
8 two-and-a-half years.

9 Q. You mentioned you were previously a technically trained  
10 agent. Can you just describe a little bit about your  
11 background and experience to become a technically trained  
12 agent?

13 A. There's the interview process. If you pass the  
14 interview, you will take several classes to learn how to  
15 install the technical equipment that is installed by the  
16 bureau.

17 Q. And currently, in your position with TICTU, have you  
18 undergone more technical training in connection with your  
19 current position?

20 A. Yes, sir, I have.

21 Q. Can you describe basically some of that training?

22 A. Some of the training I've had has been our basic  
23 computer training video. Some of it has been -- a lot of it  
24 has been on-the-job training for our collection platforms  
25 sitting down with the engineers and going through the

1 different equipment, how it works, different questions in  
2 preparation for trial and also helping install some of the  
3 equipment out in the actual field itself.

4 Q. Remind me again how long have you been with TICTU?

5 A. TICTU, about two-and-a-half, almost three years.

6 Q. Can you explain what are some of the different types of  
7 communications that can be intercepted on a telephone,  
8 collected or intercepted on a telephone?

9 A. The type of -- I'm sorry, say that again, please?

10 Q. What types of communications on a telephone can be  
11 collected?

12 A. Oh, well, you can intercept the data side. And there's  
13 two channels on every phone call. There's a data channel,  
14 and there is a content channel.

15 Q. And what's the difference between data and content?

16 A. The data channel has -- is similar to like your phone  
17 bill. You have the date of the call, the time of the call,  
18 the duration of the call, who called who, all this  
19 information that's always in your phone call. Also, on that  
20 side, you have your text messages. That's the data side.  
21 Okay. And the, um, content side is just your conversation,  
22 your voice cause every phone call has that.

23 Q. Is that also referred to as audio calls, audio content?

24 A. Yes, sir, it is.

25 Q. For the telephone calls?

1 A. Yes, it is.

2 Q. Now, in your responsibilities as a supervisory special  
3 agent for TICTU, are you familiar with the procedures that  
4 FBI follows to conduct telephone collections pursuant to FISA  
5 authorizations?

6 A. Yes, sir, I am.

7 Q. Can you describe what happens after a FISA court  
8 authorizes the collection of information from the telephone?

9 A. Yes. That information is provided to the telephone  
10 company of the target. The target is the person that's being  
11 investigated. Um, it is set up where any call that is made  
12 from that number is also given to the FBI as a silent third  
13 party listener in the phone call.

14 Q. Who is it that collects the phone calls?

15 A. Who is it that collects the phone calls?

16 Q. Yes.

17 A. The field office does.

18 Q. I'm sorry. Who is it that provides the phone calls to  
19 the FBI?

20 A. The actual phone call -- I'm sorry, the phone company  
21 itself does. It was mandated in 1994 that phone companies  
22 would assist law enforcement with the collection of these  
23 phone calls so essentially -- not essentially, they do  
24 conduct the intercept and send it to law enforcement.

25 Q. This might be an elementary question, but just can you

1 give us an example of the telephone provider who would be  
2 giving you this information?

3 A. Verizon Wireless, somebody like that, yes. Or AT&T, it  
4 doesn't matter.

5 Q. What happens once the telephone provider such as Verizon  
6 receives a FISA order?

7 A. They have to comply with it. They set up their switch.  
8 Whenever the call comes in on the authorized court order, the  
9 call continues on as it normally does to the person, but  
10 also, the call is sent to the FBI.

11 Q. And you say the call is sent to the FBI. Now, you  
12 mentioned earlier about call content and call data.

13 A. Yes.

14 Q. Do both of those get sent to the FBI?

15 A. Yes.

16 Q. And are they -- are they sent in different parts of the  
17 FBI?

18 A. Yes, they are.

19 Q. Can you explain that to the members of the jury?

20 A. As I said earlier, there's two parts to every phone  
21 call. The way we have it set up is the data side will first  
22 come to my building, and it's very momentarily separated.  
23 The actual content or the voice side goes straight to the  
24 field office that has the court order in the first place.  
25 These two parts of the call are married up back at the field

1 office. It may be on like a second lapse in between even  
2 though there's two different areas that it goes to. And  
3 comes into our building to a place called the CMP which is  
4 the Central Monitoring Plant where these calls are married  
5 back up and is sent to a designated area.

6 Q. Now, you indicated there's a Central Monitoring Plant  
7 where they are married up back together; is that right?

8 A. That's correct.

9 Q. And where are these central monitoring plants located?

10 A. The central monitoring plant, they could be in various  
11 places. Where I was in Washington, it was on the second  
12 floor of the building. It is controlled access, but it's  
13 not -- you know, you don't walk in and out of the place. It  
14 has controlled access to that area.

15 Q. Now let's talk specifically about call content or the  
16 audio calls. What -- what happens when the provider turns on  
17 the switch and provides you with the audio portion?

18 A. It goes to the field office, and it goes to the CMP.

19 Q. And then now let's focus on call data. When the call  
20 data comes to -- by the provider to the FBI, what happens to  
21 it?

22 A. It first comes into my building, and then it's sent to  
23 the field office that requested it as far as that has the  
24 order for it.

25 Q. And what happens when it comes through your unit? The



1 data. Do you do anything with the data?

2 A. No, it's funneled straight to the field office.

3 Q. At some point, are -- when they're married up together,  
4 the call content and the -- and the call data, is there any  
5 information that is added to the phone call?

6 A. Once it is in the system, the actual recording comes  
7 through when it's completed, yes, there's called a digital  
8 signature that's added to it.

9 Q. What is a digital signature?

10 A. It's very much like a fingerprint. It's also referred  
11 to as a digital fingerprint. It says that this is the actual  
12 call that came from the phone company, and it's not been  
13 tampered with.

14 Q. And if -- if a phone call has been tampered with, would  
15 it receive a digital signature?

16 A. No, it would not.

17 Q. What is the purpose of the digital signature?

18 A. Just to verify that it has not been tampered, that it is  
19 as we received it.

20 Q. And when you say as it is as received it, received it  
21 from who?

22 A. As we received it from the phone company.

23 Q. Now, if a special agent was to -- okay, let me back up.  
24 What's the system that the audio calls and data are set into?  
25 What's the name of that system?

1 A. Red Tiger.

2 Q. Now, if a special agent was go to the Red Tiger system  
3 and pull off a telephone call and burn it onto a disk, later  
4 how would the special agent know that that phone call on that  
5 disk came from the Red Tiger system?

6 A. I'm not sure I understand your question.

7 Q. Would you be able to compare the telephone call on a  
8 disk back to the Red Tiger system?

9 A. Yes. You can listen -- the audio should match exactly.

10 Q. And are you able to verify that they're one in the same?

11 A. Yes.

12 Q. How would you do that?

13 A. The way I would do it is I would play it in the system  
14 itself and insure that there is a digital signature of the  
15 actual call. After I hear that, I will listen to the CD and  
16 make sure it is the same. And that's what's accomplished  
17 most of the time by having a transcript so I will not lose my  
18 place and make sure it's the same duration, same content.

19 Q. So is it essentially a comparing system?

20 A. Yes.

21 Q. In looking at that, in looking at the original call, you  
22 can look whether the original call had the digital signature;  
23 is that right?

24 A. That's correct.

25 Q. Now, is there any information that's added to call data

1 when it's fed into the Red Tiger system?

2 A. It also receives that same digital signature. Nothing's  
3 added to it.

4 Q. So text messages. If somebody texts somebody, and it  
5 comes through the FBI's Red Tiger system, is there some sort  
6 of tracking mechanism?

7 A. There's also a digital signature saying nothing was  
8 added to or taken away from it.

9 Q. If a special agent is looking at calls or text messages  
10 on the Red Tiger system, is there a way to alter or change  
11 the original call or the original text message?

12 A. No, there's not.

13 Q. Special Agent Bowens, were you provided with telephone  
14 calls to review in this case?

15 A. Yes, I was.

16 MR. CHIU: At this time, Your Honor, can I have  
17 Special Agent Elias approach with a few CDs that have been  
18 marked as government's exhibits?

19 THE COURT: Yes.

20 BY MR. CHIU:

21 Q. Special Agent Bowens, if you could start with  
22 Government's Exhibit 94 through 99. Do you recognize those?

23 A. Yes, I do.

24 Q. What are they?

25 A. These are the disks that were sent to me, and that I

1 verified that a digital signature did exist on.

2 Q. Let me back you up. What are on those disks?

3 A. This first one, 94, has a phone number of 626-589-2068.

4 Q. Can you take a look at the other ones? And I believe it  
5 might be 5098, but can you take a look?

6 A. Okay. I have -- yeah, okay. The next one is  
7 Exhibit 95, and it has a date of 9/9/12, and it has the phone  
8 number 626-589-2068.

9 Q. I stand corrected. You're right.

10 A. The next one has the same phone number. It's dated  
11 9/10/12, and it has Exhibit 96. Exhibit 97 has that same  
12 phone number, and it was dated for 9/10/12. 98, Exhibit 98,  
13 same phone number, and the date is 9/20/12. Exhibit 99 is  
14 9/21/12, has the same phone number.

15 Q. Now, did you review these disks that were provided to  
16 you?

17 A. Yes, I did.

18 Q. How do you know you reviewed them?

19 A. My initials are on here, and the date is on here when I  
20 reviewed them.

21 Q. How did you review them? What process did you undertake  
22 to review them?

23 A. I went to our system, and I remoted in to the L.A.  
24 division and pulled up the actual files itself so the  
25 telephone call itself, and I played that. I had also had a

1 transcript of these telephone calls. When I played it in the  
2 system, I read the transcript as the CD played -- I mean,  
3 sorry, as the system replayed the audio. And then I went to  
4 the CDs and put 'em in a machine, and I played it, and I read  
5 the transcript with that. After I did both of those, I went  
6 to the digital signature section of it and verified the  
7 digital signature was intact.

8 Q. Did you do that for Exhibits -- Government's Exhibits 94  
9 through 99?

10 A. Yes, I did.

11 MR. CHIU: Your Honor, at this time, the government  
12 moves into evidence Government's Exhibits 94 through 99.

13 THE COURT: Any objection other than those that  
14 have been previously expressed?

15 MR. AARON: None.

16 MR. THOMAS: No, Your Honor.

17 THE COURT: 94 through 99 are ordered admitted.

18 (Exhibits 94 through 99 admitted.)

19 THE COURT: You may publish.

20 BY MR. CHIU:

21 Q. Were you also provided with Government's Exhibit 100 and  
22 101?

23 A. Yes, I was.

24 Q. And just looking at it, do you recall reviewing these in  
25 the process of your testimony today or preparing for your

1 testimony?

2 A. Yes, I did.

3 Q. What -- what are these?

4 A. This has the phone number (318)820-4287. That's  
5 Exhibit 100, and it says Santana audio calls. There were a  
6 large number of, uh, recordings on here. I reviewed like the  
7 first four, reviewed like the middle four and then like the  
8 last five. And I checked the digital signature on all of  
9 these. And then I played the CD and determined that they  
10 were consistent with what was on the system itself with the  
11 digital signature being intact.

12 Q. Was that the same process that you employed when you  
13 looked at Government's Exhibits 94 through 99?

14 A. Yes, sir.

15 Q. Now, there is a disk in front of you with Government's  
16 Exhibit 65 through 79?

17 A. Yes.

18 Q. You see that? Do you recognize that disk?

19 A. I do.

20 Q. What's -- what's on those disks? What's on that disk?

21 A. Exhibit 65 through 79 are text messages.

22 Q. And again, you reviewed those in the process of  
23 preparing for your testimony today?

24 A. I did.

25 Q. How do you know you reviewed them?

1 A. My initials are on here and the date.

2 Q. Were you able to confirm that the text messages on the  
3 disk were, in fact, the true and accurate or the same  
4 messages provided by the telephone company?

5 A. Yes. I did.

6 Q. And how did you do that?

7 A. Again, I pulled them into the system, remote into the  
8 L.A. system, pulled up all the text messages and read the  
9 text messages. And it's a lot easier to read the text  
10 messages from the system than read the ones that are, you  
11 know, in PDF form on this disk. And then I verified there  
12 was a digital signature. It had not been altered.

13 Q. And just to be clear, did you look at every single one?

14 A. No, I did not.

15 Q. Did you do a sampling?

16 A. Yes, I did.

17 Q. In looking at the sample, were you satisfied that they  
18 were the same as the ones that were provided by the telephone  
19 provider?

20 A. Yes, I was.

21 MR. CHIU: Your Honor, at this time, the government  
22 moves Exhibits 65 through 79 into evidence.

23 THE COURT: 65 through 79. Any objections?

24 MR. AARON: No, Your Honor.

25 MR. THOMAS: No, Your Honor.

1 THE COURT: All right. Ordered admitted.

2 (Exhibits 65 through 79 admitted.)

3 THE COURT: You may publish.

4 MR. CHIU: Thank you, Your Honor.

5 Q. Special Agent Bowens, are you aware that recordings were  
6 captured from various microphones in this case?

7 A. Yes. I am.

8 Q. Where were those recordings from microphones stored?

9 A. In the Red Tiger system.

10 Q. When you say the Red Tiger system, is that the same  
11 system that is used to collect telephone calls?

12 A. Yes, it is.

13 Q. And when recordings are captured through the microphone,  
14 do they also like the telephones have a digital signature?

15 A. Yes, they do.

16 Q. Now, when a special agent is reviewing the recordings  
17 that are captured by the microphones, is it like the Red  
18 Tiger system that they're not able to alter or somehow change  
19 the recordings?

20 A. That is correct.

21 Q. And if there is a change, does that -- what does that do  
22 to the digital signature?

23 A. You will not get a digital signature if they altered or  
24 changed in any fashion.

25 Q. So does the digital signature give you confidence that



1 it is, in fact, what was actually recorded?

2 A. Absolutely, it does.

3 Q. Were you provided with audio recordings from microphones  
4 used in this case?

5 A. Yes, sir, I was.

6 Q. Did you review those audio recordings?

7 A. I did take a sample of them, yes.

8 Q. And in front of you, there's two disks that are entitled  
9 Audio Recordings?

10 A. Yes.

11 MR. CHIU: Your Honor, at this time, the government  
12 would just identify those as Government Exhibits 711.

13 THE COURT: All of them collectively as 711.

14 MR. CHIU: The two disks, Your Honor.

15 THE COURT: All right. At the time, you just want  
16 them marked.

17 BY MR. CHIU:

18 Q. Do you see those two disks in front of you?

19 A. Which two did you say?

20 Q. The two that say Audio Recordings on them?

21 A. Okay. One says Apartment Audio and Apartment Audio two.

22 Q. Excuse me, I'm sorry. Apartment Audio.

23 A. Okay.

24 Q. Did you review those in preparation for your testimony  
25 today?

1 A. I did.

2 Q. And how did you review those?

3 A. In the same manner as the other ones. I pull them up in  
4 the system, I review them, check for the digital signature,  
5 found the digital signature, then listen to the audio and CD.

6 Q. Now when you say that you listened to them, again, did  
7 you listen to them all?

8 A. No, I did not.

9 Q. Did you listen to a sampling?

10 A. I did.

11 Q. Were you satisfied and were you confident in listening  
12 to a sampling that they were, in fact, what was pulled off of  
13 the Red Tiger system?

14 A. Yes, I was.

15 Q. Were you able to compare the audio recordings from the  
16 microphones and determine whether the originals had digital  
17 signatures?

18 A. Yes, I was.

19 Q. And to indicate your review, did you sign and date the  
20 disks?

21 A. I did.

22 Q. And again, you verified that the samples that you  
23 reviewed were, in fact, on the Red Tiger system.

24 A. That's correct.

25 MR. CHIU: One moment, Your Honor.

1           No further questions, Your Honor.

2           THE COURT: Okay, thank you.

3           Mr. Aaron.

4           MR. AARON: Can I have just a moment, Your Honor?

5           THE COURT: Certainly.

6                           CROSS-EXAMINATION

7   BY MR. AARON:

8   Q.    Good afternoon, Special Agent Bowens.

9   A.    Good afternoon.

10   Q.   Uh, you've talked a little bit about the Red Tiger  
11   system?

12   A.    Yes.

13   Q.    There's also a Red Wolf system; right?

14   A.    Used to be, yes.

15   Q.    Used to be. Okay. And did the Red Tiger system replace  
16   the Red Wolf?

17   A.    Yes, sir, it did.

18   Q.    Tigers beat wolves?

19   A.    We're very creative in the FBI.

20   Q.    When did that happen?

21   A.    It's a process that started in 2008, and it went on to  
22   2011 I think it was finished. I can't say for sure.

23   Q.    Okay. Did you -- let's start with the phones first.

24   A.    Okay.

25   Q.    Did you determine what sort of content would be

1 intercepted on the phones?

2 A. No. Did not.

3 Q. Did you determine what phones would be intercepted?

4 A. No, I had nothing to do with that investigation.

5 Q. Did you determine how long the phone would be  
6 intercepted?

7 A. No, sir, did not.

8 Q. All that was decided by the case agents in this case?

9 A. I would assume so without having any -- it was not done  
10 by me so I was assume it was done by the case agent.

11 Q. So you have no knowledge of that.

12 A. Right.

13 Q. Okay. To make a call, the cell phone has to go through  
14 a tower; right?

15 A. Yes.

16 Q. And for the sake of simplicity, whether it's making a  
17 call or a text, it has to go through a tower.

18 A. Yes.

19 Q. All right. If the phone is a propriety phone like an  
20 AT&T phone, it has to go through an AT&T tower; right?  
21 Unless it's roaming.

22 A. Right.

23 Q. And I think we all know when it's roaming, it can go  
24 through a different tower, but you pay a lot more.

25 A. That is a fair assessment, yes.

1 Q. I guess you've got a better plan than I do.

2 THE COURT: We'll take judicial notice of that.

3 BY MR. AARON:

4 Q. The phone company -- the phone companies rather have  
5 records of which phones have called which towers; right?

6 A. Yes.

7 Q. And one of the advantages --

8 A. Oh, which towers?

9 Q. Cell towers, yes.

10 A. Yes.

11 Q. And one of the advantages of that for law enforcement is  
12 that lets you place a phone in a geographic area.

13 A. Yes.

14 Q. Because typically, there's a -- a phone will call the  
15 nearest tower.

16 A. Typically, yes.

17 Q. And they're a mile or two apart? Something like that?

18 A. I haven't -- I couldn't answer that for sure. It  
19 depends, you know, in a larger city, it may be a half a block  
20 apart or whatever else. It could be out that in a rural  
21 area, it could be a mile apart. It could be two miles apart.  
22 I'm not sure on that.

23 Q. By getting that data, though, you can find out where the  
24 phone was approximately.

25 A. Yes.

1 Q. Now, so far -- and just to be clear, that would apply to  
2 texts, whether the phone is texting or making audio calls?

3 A. Yes. While it's in use.

4 Q. But there's a difference between intercepting a cell  
5 phone as opposed to what used to be called land line.

6 A. There's a difference?

7 Q. In intercepting; right? Intercepting those calls?

8 A. Uh, no.

9 Q. If you're intercepting a land line, you can actually go  
10 on the wire?

11 A. Yes, that's true.

12 Q. You can't go on the wires for the cell phones.

13 A. Absolutely.

14 Q. You talked about a number of calls here and intercepted  
15 audio from Exhibits 94 to 99?

16 A. Yes.

17 Q. And you reviewed and listened to those?

18 A. Yes, I did.

19 Q. Did any of those involve Mr. Kabir as a speaker?

20 A. I have no idea who was on the phone. I just verified  
21 that the calls were on the system, that they had a digital  
22 signature, and that they were valid. So I don't know  
23 anything else about the investigation.

24 Q. I see. You were never told who the speakers were.

25 A. No, that's not -- that's beyond my scope. That's the

1 case agent.

2 Q. You testified about Exhibit Numbers 65 through 79. Draw  
3 your attention, please, to Exhibit No. 71. Now, this is not  
4 an audio call so you couldn't listen to it. It's a text;  
5 right?

6 A. Right. I do not have -- if this is 65 through 79 so I  
7 would not be able to follow you on this.

8 Q. You don't have an exhibit book up there with exhibit  
9 numbers?

10 A. Okay.

11 Q. No, that wouldn't be it. Did you read those text  
12 messages?

13 A. I read a sampling from that. I read 65, Exhibit 65 and  
14 66. I read 72 and 79. All those texts.

15 Q. But you never read 71?

16 A. No.

17 Q. And who gave you those numbers to read? Did you decide  
18 on that or was it given to you by other agents?

19 A. I decided on that.

20 Q. And without any reference to the contents. You just  
21 picked them at random?

22 A. Yes. I reviewed about 134 that I received, and I just  
23 picked randomly from the top, middle and bottom.

24 Q. All right. Those text messages, is there any missing  
25 data?

1 A. Is there any missing data?

2 Q. Correct.

3 A. Of the ones I reviewed, no, there's not. The digital  
4 signature said it's not -- we -- we received what the phone  
5 company sent to us. If it was missing, it was missing before  
6 it got to us.

7 Q. I'm sorry. Could you repeat that last part?

8 A. We received what the phone company intercepts, and if  
9 they give us an incomplete message, we get an incomplete  
10 message.

11 Q. All right.

12 A. Okay.

13 Q. You said you did review Exhibit No. 72?

14 A. Yes.

15 Q. Do you recall if there's missing data on that message?

16 A. I have no idea. Unless you show it to me, something to  
17 refresh my memory.

18 MR. AARON: Your Honor, may I do so?

19 THE COURT: You may.

20 BY MR. AARON:

21 Q. Agent Bowens, read that to yourself please and let us  
22 know when you're done.

23 MR. AARON: Your Honor, can I assist the witness?

24 THE COURT: You may.

25 BY MR. AARON:



1 Q. Have you reviewed that?

2 A. Yes.

3 MR. AARON: Your Honor, while I'm here, could I  
4 have him take a look at Exhibit No. 711?

5 THE COURT: Yes. Go ahead.

6 BY MR. AARON:

7 Q. Agent, do you remember which one that was?

8 A. Was that the audio, apartment audio?

9 Q. Yes. All right. Agent Bowens, you've had time to  
10 review Exhibit No. 72?

11 A. Yes.

12 Q. Was there data missing from Exhibit 702?

13 A. Not according to what the system had.

14 Q. I'm sorry?

15 A. Not according to what the Red Tiger system had. It says  
16 it on there that it is missing.

17 Q. Yes. But going back to your earlier testimony, are you  
18 trying to say that the data was missing when the phone  
19 company sent it to the FBI?

20 A. Yes. We received what they gave us. But if you look at  
21 that, it's like if you send a large text message, and it  
22 divides it up into five parts, I think it's continuous on  
23 that.

24 Q. And there were a number of text messages on Exhibit No.  
25 72 which appear to be missing data?

1 MR. CHIU: Objection, Your Honor. Misstates the  
2 testimony.

3 THE COURT: Sustained.

4 BY MR. AARON:

5 Q. You had a chance to look at 72; correct?

6 A. That's correct.

7 Q. There's several text messages on 72?

8 A. Yes.

9 Q. And a number of them say messages missing part  
10 parenthesis S?

11 A. Yes. It says one of two, two of two, whatever else with  
12 the, uh, different parts.

13 Q. Okay. Does that indicate to you that that message was  
14 missing, some parts, before it was sent to the FBI?

15 A. We received it as it was sent to us, yes. However it  
16 was sent to us is how we received it.

17 Q. Okay. And obviously, you don't know what the missing  
18 information was.

19 A. No, I did not.

20 Q. You testified a little bit about what's been marked for  
21 identification only at this point Exhibit No. 711?

22 A. Yes.

23 Q. And that was the intercept from the apartment?

24 A. That's correct.

25 Q. When you say the intercept from the apartment, can you

1 explain what you meant by that?

2 A. There were microphones placed into the apartment. That  
3 information was fed into the Red Tiger system.

4 Q. Okay. Was it only microphones or did it also include  
5 video?

6 A. It only included microphones.

7 Q. Did you have anything to do with where the microphones  
8 were placed?

9 MR. CHIU: Objection, Your Honor. Relevance.

10 THE COURT: Overruled as to this question.

11 THE WITNESS: No, I had nothing to do with the  
12 investigation of where they were placed, no. Is that the  
13 question you asked?

14 BY MR. AARON:

15 Q. Yes.

16 A. No, I had nothing to do with that. The case agent or  
17 tech agent, whoever, decides that.

18 Q. And maybe I misunderstood here. I'm unclear. Perhaps  
19 you could clarify. What involvement did you have with the  
20 apartment intercepts? If any.

21 A. I reviewed them. I listened to them to check the  
22 digital signature to see if the Red Tiger system had the same  
23 thing as the CDs that were sent to me, and it had a digital  
24 signature indicating it was accurate.

25 Q. When the microphones pick up something in the apartment,

1 it goes to the Red Tiger system, and there it's saved?

2 A. Yes.

3 Q. So it never goes on the phone lines.

4 A. It depends on how they sent it there. I mean, they . .

5 Q. All right. Audio might be intercepted from the  
6 microphones in the apartment; correct?

7 A. I'm sorry, say again?

8 Q. Audio could be intercepted from microphones in the  
9 apartment; right?

10 A. That's correct.

11 Q. But you -- as you sit here today, you don't know if it  
12 went through the Red Tiger system directly or through the  
13 phone lines.

14 A. I'm not sure how it got there.

15 MR. AARON: Thank you. I have nothing further.

16 THE COURT: Mr. Thomas.

17 MR. THOMAS: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. THOMAS:

20 Q. Afternoon, Agent.

21 A. Afternoon.

22 Q. The Red Tiger system, that's physically where?

23 A. The Red Tiger system?

24 Q. Right.

25 A. There's -- through 14 regional hubs throughout the

1 United States.

2 Q. What's the closest one to Southern California?

3 A. The closest one to here is L.A.

4 Q. Okay. So to pick up on my co-counsel's question, if the  
5 apartment was in a different city than L.A., what are the  
6 ways in which the information can get from the apartment to  
7 L.A.?

8 MR. CHIU: Objection, Your Honor. Relevance.

9 THE COURT: Overruled.

10 BY MR. THOMAS:

11 Q. You can answer.

12 A. Yeah. It could come over phone lines, yes.

13 Q. And in what other ways?

14 A. I'm not sure at this juncture.

15 Q. Well, like, for example, does the FBI have a land or  
16 Internet connection to the apartment microphone?

17 A. I have no idea. It had nothing to do with the placement  
18 of how it got back, how it was egressed out of there.

19 Q. Does the information ever travel digitally or is it just  
20 analogue?

21 A. I'm not sure if it did or didn't.

22 Q. The disks that you have in front of you, two disks, that  
23 are Exhibit 711 --

24 A. Mm-hmm.

25 Q. -- I think you said one said apartment audio, and the

1 other says apartment audio two; correct?

2 A. Mm-hmm. Correct.

3 Q. Did you put the content on those disks?

4 A. Did I put the content on the disks? No, I did not.

5 Q. You were just asked to review the disks for accuracy?

6 A. That's correct.

7 Q. Uh, who put the content on the disks as far as you know?

8 A. I do not know.

9 Q. The content on each of those disks, does that represent  
10 all of the audio recordings from the apartment or just the  
11 ones that they wanted to show you?

12 A. I'm unsure. I just review what they ask me to review.

13 Q. Do you know the amount of audio that was collected in  
14 this case like a data capacity size, gigabytes perhaps?

15 A. I have no idea.

16 Q. So you weren't involved with the data collection aspect  
17 in this case.

18 A. No. I was not.

19 Q. You were just involved with reviewing the accuracy of  
20 some of the data collected.

21 A. That's accurate. Yes, that's correct.

22 Q. But you didn't review all of the data collected.

23 A. No, I did not.

24 Q. The -- I'm going to back up to one of the concepts you  
25 were explaining which was telephone intercepts.

1 A. Mm-hmm.

2 Q. And you said that -- I forget exactly how you said it,  
3 but the FBI is a silent third party listener on the phone  
4 calls.

5 A. Yes, that's accurate.

6 Q. All right. Is that every single phone call that's  
7 placed from a cell phone or just the ones that you want to  
8 intercept?

9 A. I'm not sure I understand your question. Are you saying  
10 if we have a court order to intercept the phone call on a  
11 target, you're asking is it on every phone call?

12 Q. Exactly. Like if the court order is to intercept, uh,  
13 phone calls on number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, zero, if  
14 that's the number, are you intercepting every phone call or  
15 is someone screening them for things that might sound  
16 important?

17 A. On the FISA side, you're intercepting everything that  
18 comes to that number and goes out of that number.

19 Q. So every phone call that came to that number got into  
20 the Red Tiger system?

21 A. Yes. I would -- yes.

22 Q. Did every single phone call that came into the Red Tiger  
23 system from a particular phone number get given -- or was all  
24 of that given to the government in this case or just selected  
25 ones?

1 A. I don't know. I don't know how they did their case. I  
2 don't know.

3 Q. Is it, um . . . is it often or it is common procedure  
4 to turn over every single recording, uh, from a particular  
5 telephone or just ones of particular importance?

6 MR. CHIU: Objection, Your Honor. Vague as to  
7 recording.

8 THE COURT: Sustained.

9 BY MR. THOMAS:

10 Q. Say they're recordings from one of the phone numbers in  
11 this case. Um, is your procedure once you get that FISA  
12 warrant to collect all the phone recordings and turn 'em over  
13 to the government or do you just turn over certain ones?

14 MR. CHIU: Objection, Your Honor.  
15 Vague and compound.

16 THE COURT: Sustained.

17 BY MR. THOMAS:

18 Q. All right. Well, we'll take it one at a time. In this  
19 case, do you have one of the numbers that the FISA order went  
20 to? One of the phone numbers?

21 A. I can read one off here.

22 Q. Sure.

23 A. 318-820-4287.

24 Q. All right. So for that particular number, did the FBI  
25 intercept every phone call ever made on that number during a



1 certain time period?

2 MR. CHIU: Objection. Lacks foundation, calls for  
3 speculation.

4 THE COURT: Sustained.

5 BY MR. THOMAS:

6 Q. Okay. With respect to that particular number you read,  
7 what do you know about that order? Do you just know an order  
8 was given for that number or were you part of the process  
9 that collects the information?

10 A. I was just asked to review it. Nothing else about it.  
11 I was asked to compare it to what was on the system and what  
12 was on the disk and verify the digital signature.

13 Q. You were asked to compare what on the system with what  
14 on the disk?

15 A. The audio on the system. I was asked to compared the  
16 audio on the system, the Red Tiger system with the audio on  
17 the CD. And also to verify there's a digital signature.

18 Q. Okay. But I believe you told the government you didn't  
19 review all of the audio. You took a sampling?

20 A. Right.

21 Q. -- from front middle and end.

22 A. Yes.

23 Q. Do you know if the audio you were provided was the  
24 entire audio captured for that phone number or just portions  
25 of it?

1 A. It was all the audio on this particular one from  
2 November 15th.

3 Q. Okay.

4 A. 2012. All of those calls from that time frame.

5 Q. So what were you asked to review was one particular  
6 day's worth of phone calls, November 15th.

7 A. In essence, yes. I was given the information and asked  
8 to review what was on the disk and compare, and that's what I  
9 did.

10 Q. And from November 15th, you took a random sampling of  
11 some of those calls to see if they matched the digital  
12 signature.

13 A. That's correct.

14 Q. Now, the particular calls on that day, um, did you  
15 listen to the content of them or only just to compare if  
16 they're the same?

17 A. From the random sample I took, I listened to the entire  
18 call on the system, and then I listened to the entire call on  
19 the disk.

20 Q. All right. And so that's what you were talking about  
21 before, that they matched -- the content matched what you  
22 were provided with?

23 A. Right.

24 Q. All right. Now as far as the -- you mentioned something  
25 on direct. You said the data -- if data was missing, it was

1 missing when you got it; is that correct?

2 A. I said if it's missing, it's missing when the phone  
3 company sent it, when we collected it. We got what they gave  
4 us.

5 Q. Right. So certain text messages that were missing from  
6 the portions of the texts that Mr. Aaron asked you about?

7 A. Mm-hmm.

8 Q. That information was missing at the phone company level.

9 MR. CHIU: Objection, Your Honor. That misstates  
10 the evidence.

11 THE COURT: Sustained.

12 MR. THOMAS: Okay.

13 Q. And if you know, where was the information missed? Was  
14 it missed at the phone company's collection of that data?

15 A. I have no idea.

16 Q. Okay. Was it missed in the transfer of the data from  
17 the phone company to your office?

18 A. What we have in the system shows exactly what was on the  
19 CD itself. When I looked on the system, it said the exact  
20 same thing, and it had a digital signature saying it had not  
21 been tampered so we got what we received from the phone  
22 company.

23 Q. No, I understand that perfectly. What I'm trying to  
24 figure out is how the data got missing. All right. If a  
25 text message such as the one from Exhibit 72 that Mr. Aaron

1 was showing you said missing part one of two or missing part  
2 two of three, what does that mean?

3 A. I'm not sure there's anything missing. It may be the  
4 way it was -- if you want me to speculate, I -- maybe I  
5 should not.

6 Q. Well, no. I mean, you read the message on Exhibit 72;  
7 correct?

8 A. If you read the messages together, there's not a break  
9 in them. It's the way they're packaged up. When you send a  
10 long message, sometimes it'll send part on one like a  
11 paragraph, and it'll have paragraph one of two, two of two,  
12 three of -- three of five, five of five. So you have five  
13 parts to your message.

14 Q. Okay. So sometimes a message, a text message can be so  
15 long that it comes in different parts.

16 A. Yes. That's precisely what I'm saying.

17 Q. All right. Now, were any of the parts in that text  
18 message in 72 missing?

19 A. There's a message that says that, but it also says like  
20 one of five, two of five, three of five, four of five, five  
21 of five which says to me it's the whole message broken up  
22 into five parts.

23 Q. Well, but you saw what I saw which is it says data  
24 missing.

25 A. Yeah, I did.

1 Q. And what does that mean to you?

2 A. It means just the way they packaged it.

3 Q. And you can't tell us what was missing.

4 A. I cannot.

5 MR. THOMAS: I have nothing further, Your Honor.

6 THE COURT: All right.

7 Mr. Chiu.

8 REDIRECT EXAMINATION

9 BY MR. CHIU:

10 Q. Special Agent Bowens, you were asked a lot on cross  
11 about portions of text message that are missing; right?

12 A. Yes, I was.

13 Q. And specifically you were shown Government's Exhibit 72  
14 which has been admitted into evidence now; is that right?

15 A. That's correct.

16 Q. I'm gonna show you Government's Exhibit 72, and maybe we  
17 can get some clarity. Is this the text message you were  
18 asked to take a look at? Let me make that bigger for you.

19 A. Please.

20 Q. Is this the text message section you were asked to take  
21 a look at?

22 A. Yes, sir, it was.

23 Q. And you were asked whether there are certain parts  
24 missing.

25 A. Yes, I was.

1 Q. First of all, let's look at who the participant in this  
2 conversation is. Can you tell us who the participant is?

3 A. Uh, Ralph Kenneth DeLeon.

4 MR. AARON: Objection, Your Honor. Lack of  
5 personal knowledge. He's simply reading from the exhibit.

6 THE COURT: Has this exhibit -- this exhibit's been  
7 admitted.

8 MR. CHIU: Yes, it's been admitted.

9 THE COURT: He may do so.

10 BY MR. CHIU:

11 Q. I'm sorry. Who is the participant in the text message?

12 MR. AARON: Asking for hearsay, Your Honor.

13 THE COURT: Overruled.

14 THE WITNESS: Ralph Kenneth DeLeon.

15 BY MR. CHIU:

16 Q. Okay. So looking at that first message, what does that  
17 first message say? If you can just read the content to the  
18 first text message.

19 A. I believe that's assalamu alaikum, I believe. Instead  
20 of Monday, we'll do what we've gotta do Tuesday instead since  
21 I'm selling my car on Tuesday instead of Monday anyways and  
22 the Fed BU.

23 Q. And when you say BU, it's B-U; right?

24 A. Yes.

25 Q. After that, what does it say?

1 A. Then it says message part two of three missing. Message  
2 part three of three missing.

3 Q. So the last two letters were BU.

4 A. BU, yes.

5 Q. Now, right under that, is there another text message  
6 below that? Is there another portion?

7 A. Yes, there is.

8 Q. And again, who is the participant in this text message?

9 A. Ralph Kenneth DeLeon.

10 Q. Now, the last two letters were BU. Is there a part two  
11 of that conversation?

12 A. Yes, it is.

13 Q. Can you read that entire sentence?

14 A. It says missing part one. Missing part one of three  
15 missing. And then it says the BU, and then it has some  
16 previous message, and then it has i-l-d-i-n-g.

17 Q. Can you read the entire sentence?

18 A. Will be open Tuesday and closed Monday any -- anyway  
19 cause of Veteran's Day anyway. And we can have everything  
20 Tuesday, clothes, tickets and selling my car.

21 Q. And then what's after that?

22 A. Missing part three of three missing.

23 Q. And beneath that, is there a part three to the message?

24 A. Yes, it is.

25 Q. And who is the participant in that text message?

1 A. Ralph Kenneth DeLeon.

2 Q. By the way, what's the date of this text message?

3 A. 11/10/2012.

4 Q. What does part three of the text message say?

5 A. Missing part one of three missing. Message part two of  
6 three missing. Early before D-h-u-r. Maybe ten or  
7 something. Ish -- Ish -- I'm sorry. In sha Allah. I don't  
8 know. I-n-s-h-a Allah. In sha Allah.

9 Q. Special Agent Bowens, is it your understanding that  
10 these messages are in three separate parts?

11 A. Yes, it is.

12 MR. CHIU: Your Honor, I have no further questions.

13 THE COURT: Thank you. You may step down.

14 THE WITNESS: Thank you.

15 THE COURT: All right. Ladies and gentlemen, we'll  
16 take our afternoon recess until 3 o'clock. Remember don't  
17 discuss the case, don't communicate, don't research, don't  
18 make up your minds, and we'll see you back here.

19 (Jury not present.)

20 THE COURT: All right. We're on the record outside  
21 the presence of the members of the jury. Do you want to  
22 consult with counsel first about the issue with respect to  
23 that exhibit with the PINs?

24 MR. AARON: Your Honor, I think if I can just get a  
25 copy of the witness list with the PIN numbers on it, if there



1 is any issues, I think counsel can resolve them by  
2 stipulation. I don't think there is a need to keep the  
3 agent.

4 THE COURT: All right.

5 MR. CHIU: Your Honor, the government will provide  
6 one to defense counsel.

7 THE COURT: All right, thank you. We're in recess.

8 (Recess taken)

9 THE COURT: Let the record reflect the presence of  
10 all members of the jury, all counsel and defendants are  
11 present. Your next witness.

12 MR. GRIGG: Thank you, Your Honor. The government  
13 calls Michael Nader.

14 THE CLERK: If you could please raise your right  
15 hand.

16 (Witness sworn.)

17 THE CLERK: Thank you. You may be seated. Please  
18 state your full name and spell it for the record.

19 THE WITNESS: Michael Roman Nader. M-i-c-h-a-e-l  
20 R-o-m-a-n N-a-d-e-r.

21 THE COURT: Thank you. You may inquire.

22 MR. GRIGG: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MR. GRIGG:

25 Q. Sir, on the small bookcase to your right, there is a

1 binder with your name on it. Can you take it out and put it  
2 on the table in front of you? As the size of that binder may  
3 suggest, we have a lot of information to get through today.

4 Is that a fair statement?

5 A. It is.

6 Q. By the end of your testimony will you be able to  
7 describe for the jury some of the social media activities by  
8 Miguel Santana?

9 A. Yes.

10 Q. Will you be able to describe for the jury some of the  
11 circumstances surrounding Mr. Santana's arrest?

12 A. Yes.

13 Q. Will you also be able to describe for the jury some of  
14 the social media for Mr. DeLeon and Mr. Kabir?

15 A. Yes.

16 Q. And there are some other items.

17 A. That's correct.

18 Q. Well, let's start with you. Are you employed?

19 A. I am.

20 Q. Who do you work for?

21 A. I work with the FBI.

22 Q. And how long have you worked for the FBI?

23 A. Approximately five years.

24 Q. What's your position there?

25 A. I'm a special agent.

1 Q. And where in the FBI do you work?

2 A. I work here in Riverside.

3 Q. Were you on duty on November 16th, 2012?

4 A. Yes, I was.

5 Q. Did you arrest anyone that day?

6 A. I did.

7 Q. Who did you arrest?

8 A. Mr. Santana.

9 Q. Where did that happen?

10 A. That occurred in Chino, California.

11 Q. Is that vicinity of an apartment in Chino?

12 A. Yes, in the vicinity of an apartment complex in Chino.

13 Q. Specifically in a parking lot?

14 A. In a parking lot, correct.

15 Q. Now, did you personally detain Mr. Santana when he was  
16 originally stopped by the FBI?

17 A. I did not.

18 Q. Who did that?

19 A. It was our Swat team or the FBI Swat team.

20 Q. And after the Swat team arrested Mr. Santana, did you  
21 arrive to take custody of Mr. Santana?

22 A. I did.

23 Q. We've heard testimony about one of the other defendants  
24 being taken into custody and handcuffs exchanged, did that  
25 whole process happened?

1 A. Yes, that process occurred.

2 Q. Aside from being provided control or custody of  
3 Mr. Santana himself, did you obtain anything else from  
4 Mr. Santana when you took custody of him?

5 A. I did. The possessions that were on his person at the  
6 time of arrest.

7 Q. Is that sometimes known as pocket litter?

8 A. Sometimes it is. Yes, that's correct.

9 Q. And, sir, do you have on the bookshelf to your right  
10 what's previously been marked as Exhibit 25 and if you can  
11 check if you have 26 as well?

12 A. Yes, I do. I have those both.

13 Q. If you can pull out those folders and take a look  
14 inside, but don't show them to the jury. If you have 38, add  
15 that to the list 25, 26 and 38.

16 A. Would you like me to look at each one of them  
17 individually and discuss them individually?

18 Q. I'd like you to look at them first and review them all  
19 and we'll talk about them in a group and hopefully make it go  
20 a little bit more efficiently.

21 Sir, have you had a chance to review what's been  
22 marked as Government's Exhibits 25, 26 and 38?

23 A. Yes, I have.

24 Q. And do you recognize what 25 is?

25 A. I do.

1 Q. What is it?

2 A. It was some of the property that was found on  
3 Mr. Santana the day of his arrest. Primarily his legal  
4 permanent resident card as well as a California driver's  
5 license.

6 Q. Is this -- are these items that you obtained at the time  
7 of the arrest of Mr. Santana?

8 A. Yes.

9 Q. Are they in the same condition as they were when you  
10 received them?

11 A. They are.

12 Q. And for Exhibit 26, what is that document?

13 A. It is a Mexican passport.

14 Q. Is that the original?

15 A. It is.

16 Q. Who is it issued to?

17 A. Issued to Mr. Santana.

18 Q. Is that also an item you recovered from Mr. Santana when  
19 he was arrested?

20 A. It is also an item that I recovered.

21 Q. And for Exhibit 38, what is that?

22 A. It is a HTC phone or cellular phone.

23 Q. And is that the cell phone that you recovered from  
24 Mr. Santana when he was arrested?

25 A. It was.

1 Q. And are all those items in the same condition or near  
2 the same condition as they were when you took them into  
3 custody?

4 A. They are.

5 MR. GRIGG: Your Honor, the government moves to  
6 admit Exhibits 25, 26 and 38.

7 THE COURT: Any objection?

8 MR. AARON: None.

9 MR. THOMAS: None.

10 THE COURT: They are ordered admitted. You may  
11 publish.

12 (Exhibits 25, 26 and 38 were admitted.)

13 BY MR. GRIGG:

14 Q. Special Agent Nader, if you could pull out the contents  
15 of Exhibit 25 and just show the jury briefly.

16 A. I probably shouldn't have wrapped them up so tightly  
17 here.

18 Q. Just a little bit higher so the folks in the back can  
19 see. Thank you.

20 All right. Can you show the jury Exhibit 26,  
21 please. And if you could show the jury Exhibit 38, please.

22 And you're holding up two items. What are those  
23 two items?

24 A. The one on my right here is the actual phone device and  
25 this is the battery for the phone.

1 Q. Thank you. If you can put those away and turn to the  
2 third tab in the binder in front of you, please. Have you  
3 had a chance to review the third tab, what's been marked as  
4 Government's Exhibit 164?

5 A. Yes, I have.

6 Q. Do you recognize that document?

7 A. I do.

8 Q. What is it?

9 A. It is the Mexican passport for Mr. Santana.

10 Q. When you say the Mexican passport, to be more precise, I  
11 guess I was not clear in my question. This isn't the actual  
12 passport. We just saw that before. What are we looking at  
13 here?

14 A. This is a copy of the inside of the Mexican passport for  
15 Mr. Santana.

16 Q. Is this a true and accurate depiction of the inside and  
17 of the front cover and first page of Mr. Santana's passport?

18 A. Yes, it is.

19 Q. Now, drawing your attention to the part on the  
20 Exhibit 164 immediately to the right of the photograph, you  
21 notice a white box?

22 A. Yes.

23 Q. Is that white box simply a redaction of the personal  
24 information for Mr. Santana?

25 A. Yes, it is.

1 Q. Other than that, it's the exact photocopy of the page?

2 A. That's correct.

3 MR. GRIGG: Your Honor, the government moves to  
4 admit into evidence Exhibit 164.

5 THE COURT: Any objections?

6 MR. AARON: None.

7 MR. THOMAS: No, Your Honor.

8 THE COURT: It is ordered admitted and you may  
9 publish, but let me just say, ladies and gentlemen, maybe  
10 everyone's familiar with this, but in case you're not, when  
11 we refer to redacting something, and I think I've used that  
12 word a couple of times with counsel, it just means to strike  
13 out or delete.

14 Because the rules require that when there's  
15 specific personal information on a document for privacy  
16 reasons like addresses and social security numbers, the  
17 equivalent have to be, I don't know why we use this word, but  
18 we do. Instead of deleted we say redacted. That's all it  
19 means.

20 (Exhibit 164 was admitted.)

21 BY MR. GRIGG:

22 Q. Projected on the screen in front of you, this is the  
23 inside cover -- not the inside cover, but the first of page  
24 of Mr. Santana's passport?

25 A. Yes.



1 Q. And the box that we were just talking about that white  
2 box is indicated by my crude arrow here right about there; is  
3 that correct?

4 A. That's correct.

5 Q. All right. Sir, directing your attention to the date of  
6 issue, do you see that?

7 A. Yes, I do.

8 Q. What's the date of issue?

9 A. July 12th, 2012.

10 Q. Directing your attention to the expiration date on the  
11 right side, what is that?

12 A. July 12th, 2018.

13 Q. So it's valid for six years?

14 A. Correct.

15 Q. Sir, we've heard testimony about an iPod that was  
16 previously admitted into evidence as Exhibit 10-A35. Are you  
17 familiar with the iPod that was recovered at the time of the  
18 arrest in this case?

19 A. Yes, I am.

20 Q. We heard testimony from Mr. Goldsmith, I believe, who  
21 indicated I believe he did forensic work on that what's been  
22 referenced as Exhibit 86. Are you familiar with the forensic  
23 work he did on that?

24 A. Yes, I am.

25 Q. Was that a true and correct copy of the content of the

1 iPod?

2 A. Yes, it was.

3 Q. Are you familiar with that forensic image?

4 A. Yes.

5 Q. How so?

6 A. Once Mr. Goldsmith completed his forensic image of the  
7 iPod, then it was given to me and I also searched it.

8 Q. All right. Sir, in the binder in front of you, if you  
9 flip ahead about two tabs to view what's been marked as  
10 Exhibit 87. Do you have that document in front of you?

11 A. I do.

12 Q. Do you recognize this exhibit?

13 A. Yes, I do.

14 Q. What is this?

15 A. This is an index of the contents of the iPod.

16 Q. All right. And there's a label for this at the top of  
17 the index. What is that?

18 A. Play list.

19 Q. And are you familiar with how this index was made?

20 A. I am.

21 Q. How so?

22 A. Because I made it.

23 Q. And is this a true and correct copy of the index from  
24 the play list from the iPod that was seized on the day of the  
25 take down?

1 A. Yes, it is.

2 MR. GRIGG: Your Honor, at this point the  
3 government would move to admit Exhibit 87.

4 THE COURT: Any objection?

5 MR. AARON: None.

6 MR. THOMAS: No, Your Honor.

7 THE COURT: 87 ordered admitted. You may publish.

8 (Exhibit 87 was admitted.)

9 BY MR. GRIGG:

10 Q. I'm going to zoom in on the top to reference the title  
11 in the top of the list. Okay. This area that's zoomed in  
12 that's the play list we saw a moment ago that's indicated at  
13 the top of the play list; correct?

14 A. Yes, that's correct.

15 Q. And these numbered items begin at one and continue on  
16 down the page. What are those individual numbered items?

17 A. The individual numbered items are individual items that  
18 are on the iPod, and they could be most likely in this case  
19 they're MP-3 or audio files.

20 Q. Okay. So this index is a couple of pages long or a few  
21 pages long. So each of these items is a file that you found  
22 on the forensic image by Mr. Goldsmith of the contents of the  
23 iPod?

24 A. Yes.

25 Q. And directing your attention to the first several items,

1 Items 1 through 10 are zoomed in here, Items 2 through 10,  
2 sir, those have a name associated with them. Are you  
3 familiar with that name?

4 A. Yes, I am.

5 Q. What is that name?

6 A. Anwar al-Awlaki.

7 Q. And are you familiar with Mr. Al-Awlaki?

8 A. Yes.

9 Q. And how so?

10 A. I don't know him personally, but I know a little bit  
11 about him. He is or now deceased cleric Islam. He was a  
12 native U.S. born of Yemeni descent who is also known for  
13 lectures on Islam, particularly lectures on jihad.

14 Q. Are you familiar with some of the titles on this play  
15 list associated with Mr. Al-Awlaki's name at least on the  
16 list?

17 A. I'm sorry. Can you repeat the question?

18 Q. Next to the name there appear to be other -- another  
19 reference, for example, the title of No. 4 here. What is  
20 that full title?

21 A. The full title is Allah is preparing us for victory.

22 Q. And there are several items listed here with  
23 Mr. Al-Awlaki's name. For example that was No. 4, No. 6.  
24 What's No. 6's the full title?

25 A. No. 6 is Anwar al-Awlaki No. 11 war against the

1 apostates continued.

2 Q. So those are examples of several -- of the many sort of  
3 items referencing Mr. Al-Awlaki's name; correct?

4 A. Correct.

5 Q. Are you familiar with what those audio files are?

6 A. Yes, I am.

7 Q. What are they?

8 A. They are MP-3 audio files and most of them, the ones  
9 that we've just reviewed or looked at were lectures or  
10 sermons from Anwar al-Awlaki himself.

11 Q. All right. Directing your attention to the second page  
12 of this exhibit zooming in at the top, just briefly there  
13 appear more files referencing Mr. Al-Awlaki's name; is that  
14 correct?

15 A. That is correct.

16 Q. And is it correct that each of these represents an  
17 individual audio file on the iPod?

18 A. Yes, each one, that's correct. Each one represented an  
19 individual audio file.

20 Q. And then on to page 3. More items in the list; is that  
21 correct?

22 A. Yes.

23 Q. And just as with the previous pages, these all indicate  
24 the name al-Awlaki. Is it correct that each of these are  
25 also more audio files of al-Awlaki lectures?

1 A. Yes, that is correct.

2 Q. Coming down to the end. And the very last file is by  
3 somebody other than Anwar al-Awlaki; is that correct?

4 A. That is correct.

5 Q. Is that also an audio file that's on the iPod?

6 A. It is.

7 Q. Previously we heard testimony from a special agent named  
8 Mark Espiritu about recovering Exhibit 22, which was a micro  
9 SD card recovered from the Santana residence I believe on  
10 Primrose. Are you familiar with that micro SD card?

11 A. I am.

12 Q. How so?

13 A. I'm familiar with Special Agent Mark Espiritu and met  
14 with him the after the day of the arrest and the subsequent  
15 search of Mr. Santana's residence where that particular micro  
16 SD card was found.

17 Q. Did you have an opportunity to examine or look at the  
18 content of Exhibit 22?

19 A. I did.

20 Q. How did you do that?

21 A. After I took possession of the micro SD card, I took it  
22 to the ORC -- the ORC -- the Orange County Regional -- it's a  
23 long acronym. The Orange County Regional Forensic Lab.

24 Q. Is that the OCR CFL?

25 A. The OCR CFL.

1 Q. Is that the place where, for example, a couple of the  
2 other witnesses work?

3 A. Yes.

4 Q. What did you do at the OCR CFL?

5 A. I took the -- well, at the OCR CFL they have what they  
6 call a self-serve media kiosk.

7 Q. Is that also known as the loose media kiosk?

8 A. It is.

9 Q. And is that the device that we heard about earlier that  
10 makes true and correct copy of loose media, such as thumb  
11 drives and SIM cards and cell phones and so on?

12 A. Yes.

13 Q. What did you do when you got there?

14 A. So when I got there, I inserted the micro SD card in the  
15 self-serve kiosk and the self-serve kiosk has the software  
16 that basically looks at the contents of the media disk and  
17 then prints out a report of what the contents are.

18 Q. Did you do that with Government's Exhibit 22?

19 A. May I look at the --

20 Q. You may. Let me refer to it in a different way in case  
21 the folder isn't there. Did you do that with the SIM card  
22 that Special Agent Espiritu recovered from the Santana  
23 residence on Primrose?

24 A. Yes. Yes, I did.

25 Q. Directing your attention to the next tab in the binder

1 in front of you is what's been marked as Exhibit 24. Are you  
2 familiar with that exhibit?

3 A. I am familiar with this exhibit.

4 Q. What is that?

5 A. This is the report that the self-serve kiosk generates.  
6 Specifically, this is the report that was generated after I  
7 inserted the micro SD card.

8 Q. Does this represent a true and correct copy of the  
9 contents that the self-serve kiosk displayed from that micro  
10 SD card that Agent Espiritu talked about?

11 A. Yes, it does.

12 MR. GRIGG: Your Honor, at this point the  
13 government moves to admit Exhibit 24.

14 THE COURT: Any objection to 24?

15 MR. AARON: None.

16 MR. THOMAS: No, Your Honor.

17 THE COURT: Thank you. 24 is ordered admitted.  
18 You may publish.

19 (Exhibit 24 was admitted.)

20 BY MR. GRIGG:

21 Q. Now Special Agent Nader, we talked about a white box  
22 with respect to the passport photograph for Mr. Santana.  
23 There's a black box on this document; is that correct?

24 A. That's correct.

25 Q. All right. So I'm not gonna spend a lot of time here,



1 but I would like to direct your attention to the items listed  
2 as 15 and 17. Those are listed on the column on the left.  
3 Actually, before I do that, this is the divided into columns.  
4 What's the second column?

5 A. The second column says MD-5 hash.

6 Q. And those are the individual hash values for each of the  
7 files; is that correct?

8 A. That's correct.

9 Q. Is that something that's generated by the self-serve  
10 kiosk?

11 A. Yes, it is.

12 Q. Directing your attention to Items 14 and following,  
13 excuse me, 15 and following the column on the left, do you  
14 see those items?

15 A. I do.

16 Q. And as with the previous exhibit, these items are sort  
17 of numbered 1 through to the end. I guess there are 74 total  
18 files recovered on this SIM card; is that correct?

19 A. Yes, that's correct. There's 74.

20 Q. Now, we heard a lot of questions earlier about whether  
21 during the search of Mr. Santana's residence Agent Espiritu  
22 recovered manuals and IEDs and WMGs; is that correct?

23 A. I'm sorry?

24 Q. In this item that's recovered from the Santana residence  
25 as Agent Espiritu testified, what are these individual items

1 on this? Are these files? Are these pictures? Is there a  
2 variety? What are we looking at here?

3 A. The majority of these are files. They're files and the  
4 majority of them are PDF files.

5 Q. And Item 15 is that the file name next to the number in  
6 the underscore?

7 A. Yes.

8 Q. What is that file?

9 A. AK 47 manual. It's a PDF file.

10 Q. Is that indicated by the three letters at the end after  
11 the period?

12 A. Yes.

13 Q. And Item 16 what is that?

14 A. AK 47 U.S. Army Operation Manual. It's also a PDF file.

15 Q. Direct your attention to the top of the second page and  
16 direct your attention to the Item No. 25. Do you see that?

17 A. Yes, I do.

18 Q. And Item 25 indicated here, what is that?

19 A. It's a file named Khalid al-Walid.

20 Q. Are you familiar with that name, sir?

21 A. I am familiar with that name.

22 Q. Who is Khalid Walid?

23 A. Khalid Walid also known as Khalid ibn al-Walid was one  
24 of the original companions of the profit Muhammed. He was  
25 also a renowned general famed to have been involved in

1 something to the effect of a hundred battles and never having  
2 lost a single battle.

3 Q. All right. Let's go back in time to when the FBI first  
4 became aware of Mr. Santana. What caused Mr. Santana to come  
5 to the attention of the FBI?

6 A. We first became -- we were aware of Mr. Santana through  
7 his online activity.

8 Q. There's a lot of different type of online activity.  
9 Anything in particular?

10 A. In particular his social media activity.

11 Q. When you say the word social media, can you just tell  
12 the jury what you're referring to, please?

13 A. Social media basically communication with friends and  
14 other people through the Internet. Some social media outlets  
15 are Facebook. Particularly, the FBI became aware of  
16 Mr. Santana through his Tumblr activity, which is also a  
17 social media, a type of social media.

18 Q. All right. So did you view Mr. Santana's Tumblr page?

19 A. I did.

20 Q. Did you have to have any special access to do that?

21 A. I did not. It was public information or open to the  
22 public.

23 Q. So you could go on the Internet with a computer and go  
24 to his website and view it?

25 A. Yes.

1 Q. All right. Let's step back. For those of us who don't  
2 use Tumblr, can you describe briefly what it is?

3 A. The Tumblr is a blogging, basically, a web page that  
4 allows you to create your own blog and your own web page and  
5 share pictures, stories, videos with other friends or other  
6 people on the Internet.

7 Q. Does an individual Tumblr user -- by the way, how is  
8 Tumblr spelled?

9 A. Tumblr is spelled T-u-m-b-l-r.

10 Q. So without the E.

11 A. Without the E. Correct.

12 Q. When we see that in exhibits and so on, that's on  
13 purpose?

14 A. Yes.

15 Q. So is an individual Tumblr user are they able to have  
16 their own Tumblr page?

17 A. They are.

18 Q. Is that the blog you're referring to?

19 A. Correct.

20 Q. And so it's on the user's page that they can -- is that  
21 where they would post the pictures and the texts and stuff  
22 you're talking about a moment ago?

23 A. That's right. After -- after someone logs on or not  
24 logs on, someone accesses the Tumblr page, they can create  
25 their own web page and they can immediately start putting

1 pictures, content that they want on their blog.

2 Q. If a user on Tumblr wanted to be able to make sure that  
3 other people could find the things that he or she is putting  
4 on his Tumblr, is there a way to do that using Tumblr?

5 A. There is.

6 Q. What's that?

7 A. There's a function called hash tagging which is  
8 basically, you, assuming you put a picture of say a flower,  
9 on the bottom you can type in flower or beautiful, and then  
10 your friends or those on the computer can type in flower or  
11 beautiful and it may hit on that particular picture.

12 Q. When someone views an individual's Tumblr page is there  
13 a way for the viewer to interact with the owner or the user  
14 of the Tumblr page?

15 A. There is.

16 Q. How does that happen or how does that work?

17 A. You can like, similar to Facebook, you can like  
18 someone's post. It could be a picture, a video, a letter.  
19 You can like that or you can also send that particular friend  
20 or user a message.

21 Q. Is that the same thing as commenting on a post?

22 A. Essentially, yes.

23 Q. Do you know whether a Tumblr user can friend another  
24 Tumblr user?

25 A. Not the same way as Facebook, but you can have friends.

1 Q. You mentioned liking and you mentioned Facebook a couple  
2 of times. For maybe the one person on earth left who doesn't  
3 have Facebook yet, can you just briefly describe what  
4 Facebook is?

5 A. I was also on the lagging end as well. Facebook is  
6 similar to what we're describing here with the Tumblr. It's  
7 a website where you're able to set up information about  
8 yourself, your name, your hometown, likes and interests that  
9 you may have. You can add your friends so they can look at  
10 what your likes and interests are and your pictures and  
11 basically what's going on in your daily life.

12 Q. So just as a Tumblr user can have his or her own Tumblr  
13 page, a Facebook user can have his or her on Facebook page;  
14 is that correct?

15 A. That's correct.

16 Q. You can post texts and videos and pictures on your own  
17 individual Facebook page?

18 A. Yes.

19 Q. And you mentioned liking and so on. In Facebook if  
20 someone were to post just an item, like for example a text or  
21 message saying something on a Facebook post, how would  
22 another user be able to like that as you put it? How does  
23 that work?

24 A. So Facebook's similar to Tumblr is open to the public  
25 unless you can restrict certain access on your Facebook page

1 according to how you want, but assuming that you go on to a  
2 friend's Facebook page and you see a picture or a post or a  
3 video that they may have put on their Facebook, you can there  
4 is a function that allows you to like that particular content  
5 that picture, that video.

6 Q. When you say a function, most people use a computer by  
7 clicking on things with a mouse. Is there -- how does that  
8 function for liking work? What does a user see or what does  
9 he or she do if they want to like a post?

10 A. So there's, well, with your mouse you can take your  
11 cursor to that particular video and there's a thumbs up. You  
12 click on that. It will show basically that you liked your  
13 friend's video.

14 Q. And let's say you're looking at a Facebook page and  
15 there's that thumb's up is that icon?

16 A. It's an icon.

17 Q. If you click on that is there a way to figure out what  
18 other users might have liked the same thing you're liking?

19 A. There is.

20 Q. How does that work?

21 A. So after you click on the icon, it will show that you  
22 have put your name and say that you have liked that  
23 particular post or item. And then if you take the cursor and  
24 the mouse put it over that icon again, it will show other  
25 individuals that may have liked it as well. It could be one

1 person or five people that have liked the same post.

2 Q. Are you familiar with vanity names for Facebook?

3 A. Yes.

4 Q. What are vanity names?

5 A. So vanity names is how the Facebook user identifies  
6 himself to the public or to their friends.

7 Q. Is that something like a screen name?

8 A. Yes.

9 Q. So can you tell us if a user signs up for Facebook, does  
10 he or she have to list his precise legal name as his Facebook  
11 vanity name?

12 A. No, you do not.

13 Q. Can that user change his vanity name or her vanity name  
14 from time to time?

15 A. You can.

16 Q. And can you change other aspects about your own profile  
17 on your Facebook page?

18 A. Yes.

19 Q. What else can you change?

20 A. You can change your likes, your interests. There's a  
21 function called status where you can change whatever your  
22 status is married, not married, happy, unhappy. There's the  
23 types of music that you enjoy, videos that you like. There's  
24 many ways that you can customize a Facebook page.

25 Q. So if a user can change his or her vanity name is there



1 anything else about their own profile they can change? Can I  
2 put a photograph, if I have a Facebook page, can I put a  
3 photograph of myself next to my vanity name?

4 A. Yes.

5 Q. Can I put whatever photograph I want?

6 A. You can put whatever photograph you want, yes.

7 Q. Can I change that photograph?

8 A. You can change it as many times, as frequently as you  
9 want.

10 Q. Is that something called a profile picture?

11 A. It is.

12 Q. Now, if you start a Facebook page and from a certain  
13 date and then thereafter you use your page and post things to  
14 it you like to share, does Facebook organize the stuff  
15 chronologically? How does that work?

16 A. It does. It organizes it chronologically.

17 Q. And are you familiar with the time line?

18 A. Yes.

19 Q. What is a time line for Facebook?

20 A. So just as you said, Facebook organizes your posts  
21 chronologically. So if you or a friend wants to go back and  
22 see what's been going on in your life, you can do that  
23 manually or there's a -- the time line it's a button you can  
24 click on it and it can take you back months or years  
25 depending on how robust the content is of the Facebook page.

1 Q. All right. You mentioned posting stuff to Facebook. Is  
2 there only one way to put stuff on your Facebook page?

3 A. I don't understand one way.

4 Q. So is there a feature in Facebook that allows a user to  
5 actually post directly to his or her own Facebook page?

6 A. Yes.

7 Q. Are you familiar with something called share or sharing?

8 A. Yes.

9 Q. What is that?

10 A. So sharing is if assuming that I post something on my  
11 Facebook page that I think would be of interest to a friend,  
12 I may share that with a friend. So there's a function where  
13 you can click share and it will basically share that content  
14 with a friend or another Facebook user.

15 Q. All right. So sharing allows people to cross-post  
16 across multiple Facebook pages; correct?

17 A. Correct.

18 Q. All right. You talked about friending. You talked  
19 about liking. Can a Facebook like his or her own posts?

20 A. They can.

21 Q. Can they like his or her own status if you're really  
22 into that kind of thing?

23 A. You can also like your own status as well.

24 Q. Now, you mentioned restricting access. Did you view  
25 Facebook pages in this case?

1 A. I did.

2 Q. Did you view Mr. Santana's Tumblr page?

3 A. Yes.

4 Q. Did you view Mr. Santana's Facebook page?

5 A. I did.

6 Q. Did you review the Facebook pages or other media for any  
7 of the other persons involved in this case?

8 A. I did.

9 Q. Who else?

10 A. I reviewed the Facebook page for Mr. DeLeon, the  
11 Facebook page for Mr. Kabir, the Facebook page for Mr. Gojali  
12 as well.

13 Q. Now, you mentioned that Santana's Tumblr page is  
14 available to the public. Was there any restrictions on your  
15 ability to view the Facebook pages for Mr. Santana?

16 A. No.

17 Q. Mr. DeLeon?

18 A. No.

19 Q. Mr. Kabir?

20 A. No.

21 Q. Mr. Gojali?

22 A. No.

23 Q. Now, is it generally true you have to have a Facebook  
24 account to look at somebody's Facebook page?

25 A. It generally is true. I have found that sometimes you

1 can look on the Internet and get parts, if not the full  
2 Facebook account of an individual, but in order to do so  
3 better, you generally have to have a Facebook account  
4 yourself.

5 Q. Did you do need to do anything special to access the  
6 Facebook page for Mr. Santana?

7 A. No.

8 Q. Mr. DeLeon?

9 A. No.

10 Q. Mr. Kabir?

11 A. No.

12 Q. Mr. Gojali?

13 A. No.

14 Q. Were they viewable by anybody with a Facebook account?

15 A. They were.

16 Q. Aside from posting and liking and sharing and so on,  
17 with Facebook is there another way for a Facebook user to  
18 communicate with other Facebook users?

19 A. Besides just Facebook?

20 Q. Besides liking, posting, sharing.

21 A. There is.

22 Q. What is that?

23 A. You can also -- you can send a fellow Facebook user a  
24 message.

25 Q. Are you familiar with the term chat?

1 A. I am.

2 Q. Briefly, when I refer to chat, I'm referring to opening  
3 a session on a computer and people are sort of typing in real  
4 time. Is that your understanding of chat?

5 A. It is.

6 Q. Is that what we're talking about here with Facebook  
7 messaging?

8 A. Facebook messaging is different than chat.

9 Q. And how?

10 A. So Facebook messaging would be more equivalent to an  
11 email. Assuming that I'm on Facebook and I want to send my  
12 friend a message so I send him the message. He may not be on  
13 Facebook at that time. When he does get on Facebook, he can  
14 review that message. Chat would be more I see that my friend  
15 is online and I open up a dialogue box an we chat back and  
16 forth. It's more real time.

17 Q. So a Facebook message works more like a traditional  
18 email?

19 A. Correct.

20 Q. Now, you mentioned that if you're communicating with a  
21 Facebook user and you send a message, that person may not be  
22 online. Is there any way for that person to learn through  
23 Facebook that hey, some activity is happening on Facebook?

24 A. I'm sorry?

25 Q. If I'm a Facebook user and I'm offline and a person

1 that's a Facebook -- another Facebook user wants to me send  
2 me a message or post something on my Facebook page or comment  
3 or like, is there a way that Facebook notifies me that  
4 something's happening on my Facebook page and I should go  
5 look at it?

6 A. There is.

7 Q. How does that work?

8 A. Facebook will send out a message that you have --  
9 normally, you have to have an email account to set up a  
10 Facebook profile. Once you've done that, if someone comments  
11 or sends you a link or shares something with you, Facebook  
12 will send a notification to your email saying that activity  
13 has happened and you should probably go check it out.

14 Q. And those notifications are in the form of an email from  
15 Facebook to your -- to the user's email account?

16 A. Yes.

17 Q. All right. Before we get to the specific social media  
18 in this case, let's talk about who is who. In your binder if  
19 you can turn to the next tab which is previously admitted  
20 Government's 482. Do you have that in front of you?

21 A. I do.

22 MR. GRIGG: Your Honor, I'm going to just go  
23 straight through to publish unless the Court wishes me to ask  
24 before doing that.

25 THE COURT: No, go ahead.

1 BY MR. GRIGG:

2 Q. Now, the jury heard that this was admitted. We haven't  
3 seen it before so would you mind telling us, Agent Nader what  
4 we're looking at here?

5 A. We previously discussed or talked about Tumblr and this  
6 particular exhibit is account information for Mr. Santana's  
7 Tumblr web page.

8 Q. Now, there's a column on the left. The information  
9 appearing in Exhibit 42 that includes the blog, and we'll  
10 talk about that in a second, what's the next item on the  
11 list?

12 A. The next item is account creation time.

13 Q. And the next item?

14 A. The last five logins.

15 Q. And the next?

16 A. Email address.

17 Q. And the last?

18 A. Status.

19 Q. Directing your attention to the right side of  
20 Exhibit 482, what are we looking at the top line here?

21 A. The top line is the website address for Mr. Santana's  
22 Tumblr page or his blog.

23 Q. Okay. And this item here, this is the information  
24 entered in the created time?

25 A. Yes.

1 Q. What is the date this indicates that Mr. Santana's page  
2 became active?

3 A. This indicates that on October 20th of 2011, Mr. Santana  
4 created his Tumblr blog.

5 Q. Now, there is time on there; correct?

6 A. There is.

7 Q. What is that time?

8 A. Eastern Standard time so it's 2330 hours.

9 Q. In non-24-hour time, what time of day is that 2330?

10 A. Pacific Standard time around 8:30.

11 Q. And 2330 is simply 11:30 p.m.?

12 A. Yes.

13 Q. All right. The next column down you indicated was the  
14 last five logins. Just take a look the -- that really  
15 quickly. The last five logins indicated on here, briefly,  
16 what are the dates of the last two? Specifically, I'm  
17 referring to these items here.

18 A. Right. The last two logins were on November 16th.

19 Q. All right. And what time of day on November 16th?

20 A. It would have been because it's Eastern Standard time --

21 Q. Sorry. Let's take this one step at a time. What time  
22 does the exhibit indicate on November 16th the last login  
23 happened?

24 A. At 2:00 a.m., 2:17:57 a.m.

25 Q. That's Eastern Standard time.



1 A. Eastern Standard time.

2 Q. What time and date would that have been out here on the  
3 west coast?

4 A. That would have been 11:17:57 p.m. the previous day  
5 which would have been November 15th.

6 Q. Is that November 15th the day before you arrested  
7 Mr. Santana?

8 A. Yes.

9 Q. Really quickly same thing for the second one here.

10 A. So the same thing. This is just a little earlier, two  
11 minutes earlier. So this particular activity happened it  
12 says Eastern Standard time November 16th at 2:15 a.m.,  
13 2:15:31 a.m. which would be November 15, 11:15:31 Pacific  
14 Standard time the day before Mr. Santana's arrest.

15 Q. Enough about times. Let's look at the fourth to last  
16 column which you indicated earlier was email. What's the  
17 email address indicated here for Mr. Santana?

18 A. 101mesr@gmail.com.

19 Q. You mentioned Mr. Santana had a Facebook account; is  
20 that correct?

21 A. Yes.

22 Q. Next in your binder should be what's been previously  
23 been admitted as Government's 198. Again, this is one the  
24 jury heard, but didn't see so let's take a look. What are we  
25 looking at here for Exhibit 198? Sorry, did I misstate that?

1 A. Is it the second tab?

2 Q. Yes, the next tab in order.

3 A. Yes. So this is account information from Facebook for  
4 Mr. Santana.

5 Q. All right. Let's take a look at the top so when the  
6 jury sees this they can understand what's going on here. The  
7 top line indicates the word target?

8 A. Yes.

9 Q. What is that number?

10 A. My understanding is that number is a Facebook generated  
11 number. When a new user creates a Facebook page, it's a  
12 unique number to the individual that created that Facebook  
13 page.

14 Q. So before when you told us about you can change your  
15 vanity name, you can change your profile, when you make  
16 changes like that, does your Facebook number change?

17 A. No.

18 Q. So it's always the same?

19 A. It's always the same.

20 Q. All right. And the Facebook records here indicate the  
21 emails -- is this the email -- sorry. What is the first  
22 email?

23 A. The first email me5r1@facebook.com.

24 Q. And the next email?

25 A. 101mesr@gmail.com.

1 Q. Now, in terms of visually speaking is the me5r is that  
2 in any way related to mesr? Are you familiar with people  
3 using alternate characters to indicate --

4 MR. THOMAS: Objection. Lacks foundation.

5 THE COURT: Sustained.

6 BY MR. GRIGG:

7 Q. Throughout your review of the Facebook and other social  
8 media evidence in this case, did you see instances in which  
9 the user of these accounts used alternate spelling for  
10 regular words or specific words?

11 A. Yes.

12 Q. And in specific did Mr. Santana use alternate variations  
13 of the mesr?

14 A. Yes.

15 Q. Is this me5r1 an alternate version of the -- in essence  
16 of the same word?

17 A. Yes.

18 Q. So we talked about Mr. Santana's email account 101mesr.  
19 Is that the only email account he had?

20 A. No.

21 Q. I'm gonna show you what's been marked and has previously  
22 admitted as Government's Exhibit 479. That should be on the  
23 binder in the next tab in front of you. Let me go to the  
24 third page to move this along. All right. You see on the  
25 screen displayed in front of you Government's Exhibit 479

1 page 3 on the screen, sir?

2 A. Yes.

3 Q. Okay. Is this also an email account record for  
4 Mr. Santana's Google account information?

5 A. Yes, it is.

6 Q. What is the email account listed in this Google  
7 subscriber record?

8 A. Blackflagbanner@gmail.com.

9 Q. Is that an email that you found Mr. Santana used in this  
10 case?

11 A. Yes.

12 Q. Just above that there appears to be a name. What's  
13 indicated as the name for this user?

14 A. There's an M, a K and then MK.

15 Q. In reviewing Mr. Santana's use of social media is MK an  
16 identifier or name that he used from time to time on his  
17 social media?

18 A. Yes, it is.

19 Q. I'm showing you what's been marked previously as 198 and  
20 previously admitted. These are the Facebook account records  
21 we just talked about. Do you see that, sir?

22 A. Yes.

23 Q. If you can flip forward a couple of tabs to what's been  
24 marked as 198-A. Do you have that in front of you? Down on  
25 the bottom of the page it will indicate the exhibit number.

1 It should be the 10th tab.

2 A. The 10th tab, I'm sorry?

3 Q. So after the Facebook records we just reviewed about the  
4 10th tab, there is a document the footer says Kabir  
5 Exhibit 198-A1 and that's the marking of the exhibit.

6 Do you have that in front of you?

7 May I approach, Your Honor?

8 THE COURT: You may.

9 By MR. GRIGG:

10 Q. Have you found 198-A?

11 A. Yes.

12 Q. Are you familiar with that document?

13 A. I am.

14 Q. What is that document?

15 A. This is the Facebook profile information for  
16 Mr. Santana.

17 Q. During the course of this investigation, aside from  
18 reviewing publically Mr. Santana's Facebook account as you  
19 described a moment ago, did the FBI receive information about  
20 Mr. Santana's Facebook account directly from Facebook?

21 A. Yes, we did.

22 Q. And did the FBI receive that information under a court  
23 order?

24 A. Yes, we did.

25 Q. And in reviewing this document, do you notice at the top

1 that this document has a number at the top of the page in  
2 sort of large text?

3 A. Yes.

4 Q. And without reciting what that number is, can you tell  
5 us how that number is commonly referred to?

6 A. It's a unique identification number.

7 Q. Is that a product identification number or PIN?

8 A. Yes.

9 MR. THOMAS: Your Honor, objection. Lacks  
10 foundation. Calls for speculation.

11 THE COURT: Overruled.

12 BY MR. GRIGG:

13 Q. Agent Nader, during the course of this investigation,  
14 did you have occasion to review information obtained under a  
15 court order and made available to you through a computer  
16 system called the DWS?

17 A. Yes, I did.

18 Q. And were each of the items that you reviewed in there  
19 given a PIN number for the most part?

20 A. Yes.

21 Q. And the PIN number is a specific identifier for this  
22 record or is it unique? What is it?

23 A. It's both. It's unique and it's a specific number for a  
24 specific product. There's no two numbers alike.

25 Q. And throughout the investigation, did you review the

1 information on a regular basis that was provided directly  
2 from Facebook to the FBI through DWS?

3 A. Yes, I did.

4 Q. And is this one of the items that was provided directly  
5 from Facebook to the FBI?

6 A. Yes, it was.

7 Q. Now, in reviewing this record is there any indication  
8 about what person this refers to?

9 A. Yes.

10 Q. Who does this document relate to?

11 A. This document relates to Mr. Santana.

12 Q. And you've viewed Mr. Santana's Facebook page; correct?

13 A. Yes, I did.

14 Q. And you viewed it once?

15 A. Many times.

16 Q. And during the course of reviewing it, did you notice  
17 that his vanity name stayed the same, changed? Did you  
18 notice anything with respect to the vanity name?

19 A. The vanity name changed multiple times.

20 Q. And during the course of this investigation, did you  
21 meet any of Mr. Santana's family members?

22 A. Yes, I did.

23 Q. Did you meet his mother?

24 A. I did.

25 Q. Did you meet his sister?

1 A. I did.

2 Q. Did you meet his brother?

3 A. I did.

4 Q. Does the profile information indicated in this document  
5 correlate to things that you saw on Mr. Santana's Facebook  
6 page when you viewed it directly by accessing his Facebook  
7 page?

8 A. Yes, it does.

9 Q. To be clear is this a one-time profile for all time or  
10 is this a snapshot at a certain point in time?

11 A. No, this is a snapshot.

12 MR. GRIGG: All right. At this point, Your Honor,  
13 the government moves to admit Exhibit 198-A.

14 THE COURT: Any objection?

15 MR. AARON: None.

16 MR. THOMAS: None, Your Honor.

17 THE COURT: 198-A is ordered admitted. You may  
18 publish.

19 (Exhibit 198-A was admitted.)

20 BY MR. GRIGG:

21 Q. Sir, directing your attention to the top of the first  
22 page when we're talking about the unique number is this 581  
23 number displayed at the top what you're referring to?

24 A. Yes, the product identification number.

25 Q. And the email address indicated here is what?



1 A. It's 101mesr@gmail.com.

2 Q. Is that the email address associated with Mr. Santana's  
3 Facebook account?

4 A. Yes, it is.

5 Q. Directing your attention to the box sort on the bottom  
6 left of this first page, do you see that information?

7 A. I do.

8 Q. What is this little list here?

9 A. So this list essentially shows when Mr. Santana had or  
10 the user of Mr. Santana's page had changed the vanity name.

11 Q. Okay. So are each of these entries a date and time  
12 showing what the old name was and what the new name became?

13 A. Yes.

14 Q. Now, you mentioned the MK reference. I'm going to  
15 direct your attention to the top of page 2, and this top left  
16 is this a continuation of the vanity name changes?

17 A. Yes, it's a continuation of the first page.

18 Q. Do you see the entry for September 22, 2012?

19 A. Yes.

20 Q. All right. What's the old name and what's the new name?

21 A. The old vanity name was Mikaaeel MK and the new vanity  
22 name was Miguel Santana.

23 Q. And later on will you be able to discuss in more detail  
24 what you observed from Mr. Santana's Facebook corresponding  
25 to this time?

1 A. Yes.

2 Q. I'm going to show you, sir, switching to a different  
3 individual, I'm going to show you what's been previously  
4 admitted as Government's 195. That should be in the binder  
5 in front of you as the very next tab. Do you see that?

6 A. I do.

7 Q. Is that the document that's displayed on the screen just  
8 to make sure we're on the same page?

9 A. It is.

10 Q. All right. This was previously admitted. Do you  
11 recognize what this is?

12 A. This is the Facebook account information for Mr. Kabir.

13 Q. Directing your attention to the top, again, we have this  
14 target. What is that number that's referenced next to the  
15 target?

16 A. That number is the unique Facebook identification  
17 number.

18 Q. For that account?

19 A. For that account.

20 Q. And listed under emails, do you see these emails listed  
21 here? Do you recognize any of those emails?

22 A. I do.

23 Q. Whose emails are they?

24 A. Those emails are attributed to Mr. Kabir.

25 Q. And what's the first email account?

1 A. App1821@yahoo.com.

2 Q. And the next one?

3 A. Suhayl909@facebook.com.

4 Q. And the next one?

5 A. Afgncali@aim.com.

6 Q. And the last one?

7 A. Who\_m\_i66@yahoo.com.

8 Q. All right. Sir, is this exhibit in a single batch or is  
9 there multiple batches of information about his account?

10 A. There's multiple batches of information.

11 Q. Let's go to the end of the first batch. Turning to  
12 page, turning to page 22 of Exhibit 195, do you see what's  
13 indicated as the name?

14 A. The name is indicated first name Sohiel middle Umar last  
15 Kabir.

16 Q. And down at the very bottom, the last entry, what is  
17 that?

18 A. It's a -- indicates the vanity name for this Facebook  
19 user.

20 Q. 195 page 23. Is this the start of the next batch?

21 A. Yes, it is.

22 Q. All right. And then in addition to the emails we saw  
23 before, there is another email address listed here; is that  
24 correct?

25 A. Yes, there is.

1 Q. Can you read the first email listed there on the second  
2 batch page 23?

3 A. The first email there is sk.tefl.g@gmail.com.

4 Q. Directing your attention to page 48, which I believe is  
5 the end of the second batch, but I'll have you confirm that.  
6 Is this the end of the second batch in this record?

7 A. Yes, it is.

8 Q. Directing your attention to the information at the  
9 bottom of the column, what is the name indicated here?

10 A. The name indicated here is first name Juan middle Ton  
11 last Amaara.

12 Q. In this Facebook account is this one of the names that  
13 from time to time that was sometimes used as a user name for  
14 this Facebook account or I'm sorry the vanity name?

15 A. Yes. Yes, it is.

16 Q. And again the last information is the vanity name here.  
17 Is that the same as the one we saw in the first batch?

18 A. It is the same as the first batch.

19 Q. Let's go straight to the last page of this document 195  
20 page 75. Is that the last page of the exhibit, sir?

21 A. Yes, it is.

22 Q. And this the end of the third batch of information?

23 A. This is the end of the third batch of information.

24 Q. And again same name Juan Ton Amaara; is that correct?

25 A. That's correct.

1 Q. And also referenced to as the vanity name?

2 A. Yes, that's correct the same vanity name.

3 Q. Which one is that?

4 A. Suhayl909.

5 Q. Okay. Sir, directing your attention to the binder in  
6 front of you, the very next tab, are you familiar with that  
7 exhibit? It's previously been marked as Exhibit 195-A?

8 A. Yes, I am.

9 Q. What is that?

10 A. This is the Facebook provided account information for  
11 Mr. Kabir.

12 Q. So if I refer to this as the collected information about  
13 his account, will you understand what I'm talking about?

14 A. Yes.

15 Q. And by that I'm going to refer to as collected from  
16 Facebook directly the FBI. Is that fair?

17 A. That's fair.

18 Q. All right. In this record for the collected information  
19 in Exhibit 195, does this also have a unique product ID  
20 number, PIN number?

21 A. Yes, it does.

22 Q. Is that indicated at the top of the page?

23 A. Yes, it's indicated at the top of the page.

24 Q. And does this record relate to the records that have  
25 already been admitted from Facebook with respect to the first

1 name or the name on the account?

2 A. Yes, it does.

3 Q. And what's the name indicated here?

4 A. First name Juan, last name Amaara, middle name Ton.

5 Q. And does this also include name changes for the account?

6 A. Yes, it does.

7 Q. All right. And in reviewing Mr. Kabir's Facebook page,  
8 did you review his page once?

9 A. No.

10 Q. Did you review it over time multiple times?

11 A. I did multiple times.

12 Q. Did you notice vanity name changes on his Facebook page?

13 A. Yes, I did.

14 Q. Are some of those name changes reflected on this  
15 document?

16 A. Yes, they are.

17 MR. GRIGG: At this point Your Honor, the  
18 government moves to admit Exhibit 195A.

19 THE COURT: Any objection?

20 MR. AARON: None.

21 MR. THOMAS: No, Your Honor.

22 THE COURT: Exhibit 195A is ordered admitted. You  
23 may publish.

24 (Exhibit 195A was admitted.)

25 BY MR. GRIGG:

1 Q. Showing you the first page of 195A, is this the 568  
2 number is that the PIN number?

3 A. Yes.

4 Q. Now, next to the word facility there's this 106 number.  
5 What is that number?

6 A. That is the unique -- the unique Facebook identification  
7 number for the account.

8 Q. And if we took the time to go back to the last exhibit  
9 would that be the number reflected in the exhibit that's  
10 previously been admitted by stipulation 195?

11 A. Yes.

12 Q. All right. And then you mentioned name changes that you  
13 observed. Directing your attention to the middle of the  
14 first page, there's some boxes here name changes, can you  
15 read the one for the entry December 7th -- sorry July 16,  
16 2012?

17 A. Yes. July 16, 2012 the vanity was Sohiel Umar Kabir and  
18 it was changed to Juan Ton Amaara.

19 Q. And is there another name change indicated above that?

20 A. Yes.

21 Q. And what's that name change?

22 A. It appears an earlier name change occurring January 15,  
23 2012. Previous vanity name Won Ton was changed to Sohiel  
24 Umar Kabir.

25 Q. In page 2 of this exhibit just to be consistent here,

1 does this page list email accounts for this Facebook account?

2 A. Yes, it does.

3 Q. And are these the same email accounts you saw in the  
4 records that have already been admitted?

5 A. Yes, they are the same.

6 Q. Okay. I'm gonna move a little quicker here. In front  
7 of you in the next tab should be what's been previously  
8 admitted as Government's Exhibit 471. Do you see that  
9 document the Yahoo! records for the email address 20566?

10 A. Yes.

11 Q. And the next tab should be Government's Exhibit 473  
12 previously admitted. Do you see that?

13 A. Yes, I do.

14 Q. Is that the Google record for Mr. Kabir's  
15 sktefl@gmail.com account?

16 A. Yes, it is.

17 Q. Sir, you indicated you had a chance to review  
18 Mr. DeLeon's Facebook page; is that correct?

19 A. That's correct.

20 Q. Did you also view that multiple times?

21 A. I did view that multiple times.

22 Q. All right. I'm going to show you what's been previously  
23 admitted as Government's Exhibit 196. It should be the next  
24 tab in your binder. Is the target number listed here the  
25 unique target for Mr. DeLeon?



1 A. Yes, it is.

2 Q. And the email reference down here  
3 rafiqabdulraheem@facebook.com is that an account associated  
4 with Mr. DeLeon's Facebook account?

5 A. Yes, it is.

6 Q. And a couple of entries down there's this der300  
7 account. Do you see that?

8 A. Yes.

9 Q. What is the provider appear to be for that email  
10 account?

11 A. It appears to be Cal-State University San Bernardino.

12 Q. Showing you previously marked 196-A.

13 Your Honor, may I have a moment to confer with  
14 counsel?

15 THE COURT: Yes.

16 MR. GRIGG: Thank you, Your Honor.

17 Q. Special Agent Nader, directing your attention to 196 in  
18 the binder in front of you, what is this record?

19 A. This is the Facebook provided account information for  
20 Mr. DeLeon.

21 Q. All right. Does it also have a unique PIN at the top of  
22 the page on the first page?

23 A. It does.

24 Q. During the time you were viewing Mr. DeLeon's Facebook  
25 page, did you notice a change in the vanity names over time?

1 A. I did.

2 Q. And are the name changes indicated on the first page  
3 consistent with the different names of vanity names that you  
4 saw on Mr. DeLeon's Facebook page when you looked at it  
5 directly?

6 A. Yes, they are.

7 MR. GRIGG: Your Honor, the government moves to  
8 admit Exhibit 196A.

9 THE COURT: Any objections?

10 MR. AARON: None.

11 MR. THOMAS: No, Your Honor.

12 THE COURT: 196A is ordered admitted. You may  
13 publish.

14 (Exhibit 196A was admitted.)

15 BY MR. GRIGG:

16 Q. Directing your attention to the top underneath the word  
17 called product body, what's the account name listed on this?

18 A. The account name listed first name Ya last name seen.

19 Q. In reviewing Mr. DeLeon's social media Facebook page and  
20 so on during the course of investigation is Ya Seen one of  
21 the name you saw Mr. DeLeon using?

22 A. Yes.

23 Q. Directing your attention to the name changes box on the  
24 same page, the first page of Government's Exhibit 196-A1, is  
25 this -- does this represent a chronology of vanity name

1 change for Mr. DeLeon's Facebook page?

2 A. Yes, it does.

3 Q. And in 2010 on August 29, the first entry on this list,  
4 does that indicate Mr. DeLeon's full name Ralph DeLeon?

5 A. Not his full legal name, but it does represent --  
6 technically, well, it represents his name.

7 Q. And midway down this list, does there appear to be a  
8 name change to a different name?

9 A. Yes.

10 Q. What is that name?

11 A. From Ralph DeLeon to Rafiq Abdul Raheem.

12 Q. Moving farther down the list, there's also reference to  
13 a name change?

14 A. Yes.

15 Q. What's the name change there?

16 A. Rafiq Abdul Raheem to Ya Seen.

17 Q. And then the last one at least for this record, what's  
18 the name change here?

19 A. It's from Ya Seen to Ja Sin, a different spelling.

20 Q. In Government's Exhibit 11-A22 that's been previously  
21 been admitted, it's a letter from Mr. DeLeon. Have you had a  
22 chance to review that letter?

23 A. Yes, I have.

24 Q. In that letter does Mr. DeLeon reference what his email  
25 address is?

1 A. Yes, he does.

2 Q. What is the email address he references in that letter?

3 A. Rafiqabdulraheem@gmail.com.

4 Q. Government's Exhibit 709 that was marked today and I'll  
5 display this on the projector in front of you. Again, this  
6 is previously admitted. This is the first page. Do you see  
7 the name associated with this Google record for the account?

8 A. Yes, I do.

9 Q. And what is the name?

10 A. Rafiq Abdul Raheem. The name I'm sorry. Ralph DeLeon.

11 Q. And the email account is the same account we just  
12 mentioned?

13 A. It is.

14 Q. All right. Let's start with Santana's Tumblr posts.  
15 Let's get to some of the content here. I'm going to place  
16 what's been marked as Government's 395 in front of you. If  
17 you flip ahead four or so exhibits, you'll see an exhibit  
18 that has been marked 395. Do you have that document in front  
19 of you?

20 A. I do.

21 Q. What is this exhibit?

22 A. This is thumbnails from Mr. Santana's Tumblr web page or  
23 blog.

24 Q. When someone reads about this a long time in the future,  
25 they may not know what you're referring to when you say

1 thumbnails. What are we looking at here?

2 A. So these are -- it's basically small captions of posts  
3 that Mr. Santana had made on his Tumblr blog, so it's an  
4 above view of all the content on his blog.

5 Q. It's an above view of the contents on his Tumblr blog?

6 A. Yes.

7 Q. Is this an exhibit that you made?

8 A. Yes.

9 Q. Did you make this by going to Mr. Santana's Tumblr page  
10 and capturing screen shots?

11 A. I did.

12 Q. And is this a true and accurate depiction of the Tumblr  
13 page as of approximately the first week of June 2012?

14 A. Yes, it is.

15 MR. GRIGG: Your Honor, at this point the  
16 government moves to admit into evidence Government's  
17 Exhibit 395.

18 THE COURT: Any objection?

19 MR. AARON: None.

20 MR. THOMAS: No, Your Honor.

21 THE COURT: 395 is ordered admitted. You may  
22 publish.

23 (Exhibit 395 was admitted.)

24 BY MR. GRIGG:

25 Q. Sir, on the screen in front of you this is the first

1 page of the exhibit at the top of the screen. Can you tell  
2 me what time period is displayed in the top?

3 A. June of 2012.

4 Q. And is this exhibit in essence reverse chronological  
5 order?

6 A. Yes, it is.

7 Q. Newest stuff on top?

8 A. Newest information on top, yes.

9 Q. All right. What's the earliest time period indicated in  
10 this exhibit?

11 A. The earliest time period indicated in this exhibit was  
12 October of 2011.

13 Q. Okay. Directing your attention to the bottom of page 2,  
14 there appears to be a reference to October 2011. Do you see  
15 that?

16 A. Yes, I do.

17 Q. Some of these little squares here are cut off and some  
18 appear on the next page; is that correct?

19 A. That's correct.

20 Q. Collectively what are those little squares, those  
21 thumbnails?

22 A. Those little squares are individual posts made by  
23 Mr. Santana.

24 Q. I want to direct your attention to the last page of the  
25 third page and briefly show you some images that appear here.

1 What are these individual tiles or squares that we're looking  
2 at?

3 A. These individual tiles or squares were posts that  
4 Mr. Santana made in October 2011.

5 Q. Okay. Focus in on an image in particular in the middle  
6 of this page. Is this image displayed on the screen that  
7 appears to have, appears to be a vehicle, is that an image  
8 that you saw on Mr. Santana's Tumblr page?

9 A. Yes, it was.

10 Q. Okay. I'm going to show you what's been marked next as  
11 Government's Exhibit 396, 398 and 464. Do you have those in  
12 the binder in front of you?

13 A. Yes, I do.

14 Q. What are those?

15 A. These are individual posts from Mr. Santana's Tumblr  
16 blog.

17 Q. And did you make the image that are depicted in  
18 Government's Exhibits 396, 398 and 464?

19 A. Yes, I did.

20 Q. Are those exhibits true and accurate copies of what you  
21 saw on the Tumblr page in October?

22 A. Yes, they are. You said that I made or saw in  
23 October 2011. I made these, but I didn't observe them in  
24 October of 2011.

25 Q. Do these refer to the Tumblr activity by Mr. Santana on

1 his Tumblr blog in October 2011?

2 A. Yes.

3 MR. GRIGG: Your Honor, the government moves to  
4 admit 396, 398, 464.

5 THE COURT: Any objection to any of those three?

6 MR. AARON: I'm sorry. What was the last one?

7 MR. GRIGG: 464.

8 MR. AARON: No objection.

9 MR. THOMAS: No objection, Your Honor.

10 THE COURT: All right. They're ordered admitted.  
11 You may publish.

12 (Exhibits 396, 398, 464 were admitted.)

13 BY MR. GRIGG:

14 Q. Showing you what's been marked and admitted as 396, what  
15 are we looking at here?

16 A. So this is a particular post from Mr. Santana's Tumblr  
17 web page or his blog.

18 Q. And I'm going to zoom in on this image here briefly. Is  
19 this the larger image of that one square with the vehicle  
20 that we just saw in the previous Exhibit 395?

21 A. Yes, it is.

22 Q. So is this the actual post that corresponds to that  
23 activity?

24 A. Yes, it is.

25 Q. And does this exhibit indicate when it was posted?



1 A. It does.

2 Q. When was it posted?

3 A. October 21st, 2011.

4 Q. And there's a quote on the right of the photograph. Can  
5 you read that please?

6 A. The quote says "If the Americans come forward, then  
7 Allah will see from us that which he loves."

8 Q. Directing your attention to the words underneath the  
9 bottom of the photograph, do you see that?

10 A. I do.

11 Q. Is that same quote repeated there?

12 A. It is.

13 Q. Now, you discussed earlier tags. Are there tags with  
14 this photograph?

15 A. There are.

16 Q. Can read for the jury what the tags are for this  
17 photograph?

18 A. The tags used for this photograph are Islam, Muslims,  
19 jihad and Ummah.

20 Q. Directing your attention to page 3 of this exhibit, is  
21 this a clear image of the photograph posted with the quote  
22 that you just read?

23 A. Yes.

24 Q. And below when you read the quote below, there appears  
25 to be additional words in the photograph. What does it say

1 underneath the quote about that which he loves?

2 A. It's hard to read the name, but below the name is  
3 Mujahid Fallujah that fought till martyrdom.

4 Q. Are you familiar with Fallujah?

5 A. Yes.

6 Q. What is that?

7 A. Fallujah is a city in Iraq particularly in the mid-2000s  
8 that -- where there was significant --

9 MR. THOMAS: Objection. Lacks foundation.

10 THE COURT: Overruled.

11 BY MR. GRIGG:

12 Q. Where there was significant fighting?

13 A. Significant fighting between U.S. and coalition forces  
14 and what would be called insurgents.

15 Q. Really quickly directing your attention to 398.

16 THE COURT: Why don't we break before you get to  
17 that one.

18 MR. GRIGG: Your Honor, 398 is just a still image.

19 THE COURT: Go ahead.

20 BY MR. GRIGG:

21 Q. Sir, directing your attention to 398, is this another  
22 post on Mr. Santana's Tumblr page on October 21st?

23 A. Yes, it is.

24 Q. Now, before when we talked about the account creation  
25 record, the account was created on a certain date?

1 A. Yes.

2 Q. What date was this created?

3 A. October 21st, 2011.

4 Q. Sorry. I misspoke. Not what date was this post  
5 created, but I believe you testified and the exhibit showed  
6 that the account was created October 20th; is that correct?

7 A. Yes.

8 Q. So is this posted the next day?

9 A. That's correct. It would have been posted the next day.

10 Q. Now, sir, the images depicted here on this post appear  
11 to have a quote; is that correct?

12 A. It does.

13 Q. And this is a quote imposed over some clouds so on?

14 A. Yes.

15 Q. Are you familiar with this quote?

16 A. I am.

17 Q. What's is this quote? What does it say?

18 A. It's from -- it's attributed to the Prophet Muhammed.  
19 It says "In the name of whom Muhammed's soul is in his hand,  
20 I wish I could fight in the cause of Allah and then be killed  
21 and then fight and then be killed and then fight and then be  
22 killed."

23 Q. Now, does the same text appear at the bottom of the  
24 post?

25 A. Yes.

1 Q. Again with more tags?

2 A. Again with more tags.

3 Q. Sir, looking at this image the exclusive with the quote  
4 that you just read attributed to the Prophet Muhammed, and  
5 then looking at the previous exhibit we just talked about 396  
6 showing the humvee reference to Fallujah, have you seen those  
7 images elsewhere in the course of your work as a special  
8 agent at the FBI?

9 A. Yes, I have.

10 Q. And where do those images come from?

11 A. Those images come from a publication called Inspire  
12 Magazine.

13 MR. GRIGG: Your Honor, at this point there is one  
14 additional exhibit that I can do before we get to the matter  
15 we need to take up.

16 THE COURT: Let's break or let's recess with the  
17 jury for today. So we'll see you tomorrow morning, ladies  
18 and gentlemen no later than 9:00. Remember don't do any  
19 research, don't Google, tweet, chat, go on Tumblr or anything  
20 else. Don't make up your mind about the case, about the  
21 verdict or about any of the issues and don't communicate with  
22 anyone in any fashion. Thank you. You are excused.

23 (Jury not present.)

24 THE COURT: All right. We're back on the record.  
25 Here's the way Ms. Dillard suggested we could take care of it

1 this way. If counsel want to stipulate that copies go to the  
2 jury, but you still have the same work involved, although it  
3 would be easier probably.

4 MS. DeWITT: I'm always personally leery of marking  
5 on the original exhibits. Let us figure it out. We have a  
6 while to figure it out. I'm not sure of the best way to  
7 handle it.

8 THE COURT: On anything that's going to be  
9 redacted, you could, it's not gonna be a permanent defacement  
10 if you use that tape, but that takes more time then if you  
11 are just using a pen. You could use the pen on copies. So  
12 if counsel stipulated that copies could go back to the jury,  
13 then that would be the easiest way to do it.

14 MS. DeWITT: We'll confer with counsel.

15 THE COURT: All right. What do we need to take up  
16 on the record?

17 MR. GRIGG: Your Honor, in terms of sequence for  
18 this witness, I believe next up is a still image that relates  
19 to one of the videos the government provided to the Court  
20 earlier and sometime after that, we'll get to the second  
21 video.

22 THE COURT: All right. So the two videos that you  
23 handed me were 215 and 494?

24 MR. GRIGG: That's correct, Your Honor.

25 THE COURT: I watched them both, but I don't

1 remember which one of them is the black banner.

2 MR. GRIGG: The Black Flags of Khorasan is not the  
3 that will come up first, that's 215. The one that will come  
4 up next is 494, and that's the video about Khalid ibn  
5 al-Walid narrated by Anwar al-Awlaki.

6 THE COURT: Who narrates the other one?

7 MR. GRIGG: Your Honor, there are several voices.  
8 One is an individual named Sheikh Faisal. Another one is an  
9 individual named Imran Hussein who is the individual speaking  
10 with the reddish-colored beard and the voice over in the  
11 middle is Anwar al-Awlaki.

12 THE COURT: All right. So the first one you're  
13 gonna play is which one, the black banner?

14 MR. GRIGG: The other one. It's 494 the one about  
15 the story about the famous general.

16 THE COURT: All right. So does the defense wish to  
17 argue about that exhibit?

18 MR. AARON: These are just still photographs of the  
19 videos?

20 THE COURT: I understand the government wants to  
21 play the entire video; is that right or parts of it?

22 MR. GRIGG: That's correct. The technical next  
23 exhibit in order is a still image of the posting of the  
24 video. Then we have the video itself. The government would  
25 proffer that the still image and I believe this is in the

1 binder in front of Your Honor includes what is in essence a  
2 large thumbnail related to this video showing a man with a  
3 beard and a red head dress.

4 THE COURT: Are you proffering if somebody looked  
5 at what was on the page and they pressed on the thumbnail,  
6 the video would play?

7 MR. GRIGG: That's exactly correct, Your Honor.  
8 It's also the case this video was posted on Mr. Kabir's  
9 Facebook page. So it appears on Mr. Santana's Tumblr and on  
10 Mr. Kabir's Facebook page.

11 THE COURT: Okay. I understand. All right.

12 MR. AARON: Okay. One of them I can understand the  
13 relationship to Mr. Kabir because --

14 THE COURT: So let's take up the one. Let me sure  
15 make sure I understand, Mr. Grigg, your proffer. The one  
16 that you're proffering at this point is one about the general  
17 and it's the one that you're -- part of your proffer is that  
18 it appears on Mr. Santana's Tumblr page and Mr. Kabir's  
19 Facebook page.

20 MR. GRIGG: That's correct, Your Honor. The same  
21 video. And we only propose to play this once because it was  
22 on Mr. Kabir's Facebook page.

23 THE COURT: I don't think either of them is more  
24 than ten minutes long. I think one of them is about seven  
25 minutes.

1 MR. GRIGG: That's correct, Your Honor.

2 THE COURT: All right, Mr. Aaron.

3 MR. AARON: Your Honor, I think at this point we  
4 have a 403 problem and I also think we have a relevance  
5 problem. I don't know what this tends to show, if at all.  
6 If we're talking about the same videos, one seems to deal  
7 with a battle in 636. Another deals with the black --

8 THE COURT: Right now we're just talking about the  
9 636. What's the name of the general?

10 MR. GRIGG: Khalid ibn al-Walid. Your Honor, it's  
11 494 is the marked exhibit number.

12 THE COURT: 494, that's the one about Khalid. So  
13 we're not talking about the black banner.

14 MR. AARON: The Black Flags of Khorasan.

15 THE COURT: Yes, thank you. All right.

16 MR. AARON: The video is about a famous Muslim  
17 warrior who fought a hundred battles and never lost one and  
18 referencing one specific battle he fought. I'm not sure  
19 what -- it's an interesting historical sideline, but I'm not  
20 sure what the relevance is to a conspiracy allegedly  
21 originating in Pomona and continuing through Germany and  
22 Afghanistan. If I recall correctly, the battle was not  
23 fought in those locations, although I'm sure there were  
24 battles fought in 636 in Pomona.

25 THE COURT: Well, I don't see the relevance. I



1 don't see the prejudice especially, but we get -- it has to  
2 be relevant before I even consider prejudice and I am just  
3 having a hard time.

4 MR. GRIGG: If I may, Your Honor.

5 THE COURT: Go ahead.

6 MR. GRIGG: And maybe I should have started with  
7 this and I apologize, but the video is narrated by Anwar  
8 al-Awlaki. It's a portion of an audio lecture by him that  
9 plays over the background of the video. This and many other  
10 Anwar al-Awlaki lectures were recovered from Mr. Santana,  
11 Mr. DeLeon. They were on Mr. Kabir's Facebook page. So it  
12 shows that all of the defendants are interested in the  
13 teachings of Anwar al-Awlaki.

14 In particular this video discusses the concept  
15 jihad fisabilillah which is a central theme to the case and  
16 part of the theory of the government's case that these  
17 defendants were interested in pursuing jihad in the cause or  
18 in the path of God.

19 And because it's al-Awlaki discussing jihad  
20 fisabilillah in the cause of God as narrated by Mr. Al-Awlaki  
21 and using the story as an example of a soldier, a warrior who  
22 had never been defeated in battle, the jury should be  
23 entitled to consider that information and consider the fact  
24 that there is this interoperability between the social media  
25 as being posted on a couple of the conspirators' pages.

1 Similar material is referenced elsewhere. And this in  
2 particular talks about fighting in the path of God,  
3 Your Honor, and that, of course, part of the government's  
4 theory of this case.

5 THE COURT: Mr. Aaron.

6 MR. AARON: Before, during and after al-Awlaki  
7 there's been many Muslims who have talked about fighting in  
8 the path of God. The fact that he's talking about the  
9 historical context in 636 as I said before is an interesting  
10 historical sideline, but it doesn't have anything to do with  
11 the alleged conspiracy in this case. We might as well bring  
12 forward a speech by Saladen in the 11th century because he  
13 would also talk about fighting in the path of God. The fact  
14 that the defendants, one or more of them watched or liked  
15 this video, again, it's an interesting historical sideline,  
16 but it's not really relevant to the conspiracy.

17 THE COURT: I'll watch it again, but I don't really  
18 see the relevance. And the fact that it was narrated in  
19 whole or in part or produced even or produced, directed,  
20 performed by al-Awlaki doesn't really change that because,  
21 you know, he might have made -- well, and I think it's fair  
22 to say although there hasn't been evidence on this, but I  
23 think it's fair to say that his views and teachings and  
24 lectures evolved over time from what I understand from  
25 somewhat moderate to what the government I think has

1 characterized as radical.

2 So just the mere fact that he had role, narrated,  
3 et cetera doesn't make it relevant particularly and I really  
4 just can't, like I said, I can't see the prejudice, but that  
5 doesn't mean it's relevant. I don't think of it -- I just  
6 don't see its bearing on this case.

7 MR. GRIGG: Your Honor, the fact that two of the  
8 conspirators in this case have posted the same video about  
9 fighting in the cause of God and have posted it to separate  
10 individual medias and then disseminated it, and the fact that  
11 they're looking to and disseminating the teachings of Anwar  
12 al-Awlaki is directly relevant to the theory of the case.

13 THE COURT: I was really struggling as I watched it  
14 to see why the government was seeking to introduce it, and  
15 one of the things I always fall back on is I try to analogize  
16 it to something else. If somebody posted on their Facebook  
17 page or their Tumblr page something about the Crusades, that  
18 wouldn't necessarily mean, which included someone calling  
19 for, you know, fighting in the name of God, which was a call  
20 that was made in the context of the Crusades, again, many  
21 centuries ago. I don't know that it's depending on the  
22 content of it that it would be relevant.

23 And here the content of this is seems to me framed  
24 in a sort of almost, you know, educational context of  
25 informing the viewer of something that took place in 636 and

1 the religious context. I'll watch it again in light of what  
2 you've offered, but I'm really not inclined to find it  
3 relevant.

4 MR. GRIGG: I'd offer two more points, Your Honor.

5 THE COURT: Go ahead.

6 MR. GRIGG: With respect to the evidence in this  
7 case, we expect that the evidence will show that Mr. DeLeon  
8 in particular and the other coconspirators when they were  
9 together would play lectures by Anwar al-Awlaki. And this  
10 the government proffers this piece of information this  
11 context as an indication that these individuals including the  
12 defendants here in this courtroom looked to Anwar al-Awlaki  
13 for guidance in how to conduct their lives and how to comport  
14 their behavior as Muslims.

15 THE COURT: Right and I have that idea in mind  
16 because it's either in your trial brief or you've argued it  
17 before so I had that idea in mind as I watched this. I think  
18 at some point you wrote somewhere that they or was in the  
19 opening statement that they idolized him.

20 MR. GRIGG: They adopted his views as their own,  
21 yes, Your Honor.

22 THE COURT: I don't think that changes my ruling,  
23 but I'll keep that in mind.

24 MR. GRIGG: The second point, Your Honor, was the  
25 fact that two of the conspirators are posting a story about a

1 famous warrior in the cause of God is significant because  
2 part of the government's theory of the case is that's what  
3 these individuals aspired to be themselves. That's the point  
4 of them conspiring with each other to go overseas and fight  
5 in the jihad. And this is a direct reflection of their  
6 intent and their state of mind in this case.

7 This is looking to al-Awlaki as an authority  
8 discussing the most famous warrior in all of Islam and  
9 describing that warrior's conversion on the battle field or a  
10 warrior's conversion on the battle field to fight on behalf  
11 of the Prophet and doing it referencing jihad fisabilillah.  
12 Now, those factors are significant because again the  
13 government's theory is that's what these individual aspired  
14 to do and to become. So the government submits this is  
15 directly relevant to the theory of liability.

16 THE COURT: As I said I'll watch it again, but I'm  
17 very much inclined not to allow it to be played on the basis  
18 that I don't think it's got relevance and to the extent that  
19 it has, well, I just don't think it has relevance. I don't  
20 even think I'm going to get to the balancing. I think I've  
21 heard enough argument.

22 MR. GRIGG: I was going to ask the Court if it  
23 would like to consider the next video the Black Flags of  
24 Khorasan.

25 THE COURT: Are you going to get to that tomorrow?

1 MR. GRIGG: I may get to it depending on the pace  
2 and the reason I bring this up is that's the video that's  
3 posted by Rafiq Abdul Raheem to posted via Mr. DeLeon  
4 directly to Mr. Santana's Tumblr page.

5 THE COURT: So I'm sorry. It's posted by whom to  
6 Mr. Santana's page?

7 MR. GRIGG: That's correct. It's posted to  
8 Mr. Santana's page via Rafiq Abdul Raheem which is the Tumblr  
9 user name for Mr DeLeon, and it references the Light 46 which  
10 is the name of the video. This is one in a series of videos  
11 that appears throughout the social media and the other  
12 evidence in this case.

13 This one in particular discusses the Black Flags of  
14 Khorasan as the sign of the coming of another great warrior  
15 in Islam and the call for folks who adhere to the jihad  
16 ideology to go and join that fight. And the reference to  
17 Khorasan is an indication that this great warrior, this great  
18 leader will come from Khorasan as the portion narrated in  
19 this by Anwar al-Awlaki describes Khorasan is a reference to  
20 the territory of Afghanistan.

21 THE COURT: Well, it says Afghanistan and some  
22 areas.

23 MR. GRIGG: Probably some of the surrounding areas  
24 I think almost is the exact quote. And, again, part of our  
25 theory here is this is the exact thing that these

1 conspirators wanted to go do. It's part of the focus on  
2 Afghanistan and --

3 THE COURT: But there's a lot of other parts. I  
4 mean do you want to play the whole thing because there's a  
5 lot of other parts to this video that, you know, the  
6 discussion of the corruption in the governments in other  
7 either secular, but mainly Muslim countries or Muslim  
8 countries like Iraq under Saddam Hussein and other parts.

9 MR. GRIGG: The communist country in Yemen.

10 THE COURT: Exactly. I can't remember now, but I  
11 don't think it's relevant at all. Oh, Iran.

12 MR. GRIGG: There's not much discussion because  
13 Iran is a Sunni area, but I'm sorry a Shiite area.

14 THE COURT: Oh, Beirut.

15 MR. AARON: Beirut, Yemen, Palestine, many places.

16 THE COURT: And Saudi.

17 MR. GRIGG: If I may, Your Honor, the evidence will  
18 show in this case, the recordings and the other discussions,  
19 that these individual defendants and the co-conspirators  
20 discussed going to all of those places. As Anwar al-Awlaki  
21 narrates in this video, those are locations where jihad is  
22 happening. Those are locations where fighting in the path of  
23 God is happening.

24 And again part of the government's theory is that  
25 these individuals wanted to go join jihad. So this even more

1 so than the Khalid ibn al-Walid video is directly relevant to  
2 their intent in this case.

3 Now, I also want to point out, Your Honor, that  
4 there's information in the social media for each of these  
5 defendants depicting black flag banners.

6 THE COURT: Yes, I have seen that.

7 MR. GRIGG: This is the explanation of what the  
8 significance of black flag banners are and this quite frankly  
9 is the shortest and best way for the jury to learn about it.  
10 I do expect they're gonna hear it straight from al-Awlaki  
11 himself, the person to whom the defendants turned and  
12 listened to obtained their guidance.

13 But I also expect quite frankly, Your Honor, the  
14 discussion about attacking other nominally Muslim countries  
15 that don't follow the Sharia or the strict interpretation of  
16 Islam. They're secularists and so and they party too much.

17 I expect that both the government and the defense  
18 will present expert testimony on the notion of hardline  
19 Muslims interested in jihad declaring secularist but  
20 nominally Muslim governments Takfir T-a-k-f-i-r and as part  
21 of the justification for waging acts of terror in Muslim  
22 countries to attack and remove these governments that do not  
23 follow the true Islam.

24 THE COURT: All right. Mr. Aaron.

25 MR. AARON: I have to express my astonishment at



1 Mr. Grigg's Arabic which is impressive, but I'm not sure tat  
2 we're gonna be presenting expert testimony on Takfir or  
3 whatever that concept was. I think we're just gonna be  
4 rebutting the testimony of Mr. Coleman.

5 Regarding some of the other comments he made, I  
6 don't understand how this film about Khorasan explains the  
7 significance of the black flag to DeLeon or Kabir any more  
8 than watching Leni Riefenstahl's "The Triumph of the Will"  
9 would explain the significance of a swastika to a neo-Nazi  
10 from Yacovelli. It's a symbol. It's commonly known. It's  
11 commonly seen. I remember seeing it back in the 1990s.

12 I also don't understand how this video, which is  
13 again a kind of interesting history lesson, but what  
14 relevance it has to Mr. Kabir. There's no evidence he saw  
15 it, liked it, endorsed it. I believe that this is a video  
16 that was sent to Mr. Santana's page.

17 THE COURT: From Mr. DeLeon.

18 MR. AARON: Correct. I don't believe there is any  
19 connection of Mr. Kabir with the video.

20 THE COURT: Mr. Grigg.

21 MR. GRIGG: Yes, Your Honor. First of all, given  
22 the fact that the government's theory of this case is that in  
23 part Mr. Kabir was the advance party for the rest of the  
24 group and actually made his way to Khorasan to Afghanistan,  
25 this is directly relevant to the theory of the case and what

1 these individual defendants, the U.S.-based defendants were  
2 trying to do in meeting up with Mr. Kabir.

3 And to that extent, you know, there are numerous  
4 and, you know, the government was being very selective in  
5 paring down the social media that it intends to present from  
6 Mr. Kabir's own posting and activities. But there are many,  
7 many, many postings relating going to jihad, relating to  
8 Anwar al-Awlaki, relating to fighting in Muslim territory.  
9 And again this video encapsulates one of the ideological  
10 underpinnings for these defendants.

11 The fact that Mr. Kabir is in Afghanistan,  
12 Khorasan, before this is directly relevant to these other  
13 coconspirators' desire to make their way to Afghanistan. And  
14 forgive me if I misspeak, but there is a recording involving  
15 Mr. DeLeon in which he discusses with another individual who  
16 has been placed on the defense witness list, one person, I  
17 believe it's Abdallah Afman discussing if you make it to, the  
18 returning figure that's referenced in this video, then  
19 Mr. Afman will be willing to join them in jihad. I can't  
20 recall whether that has exact exhibit number or if it made  
21 the cutting room floor, but as a proffer, Your Honor, it's  
22 directly relevant to the idea that these individuals were  
23 looking to go join a fight and awaiting the return of this  
24 figure who features prominently in this video and for which  
25 the black flags of Khorasan herald his return.

1 THE COURT: All right Mr. Thomas, did you want to  
2 be heard on this?

3 MR. THOMAS: Your Honor, I would, but I'd like to  
4 defer to the morning. I haven't seen either of the videos  
5 yet.

6 THE COURT: All right. I'm inclined to allow the  
7 Khorasan video. I think it's of some relevance and there are  
8 references to the, you know, the black banner I think is the  
9 way it's referred to in the emails and other postings. It  
10 does have some relevance. I don't think it's particularly  
11 prejudice and certainly any prejudice does not substantially  
12 outweigh the probative value.

13 I am still inclined not to allow the 636, I think I  
14 have that number right, video, but we'll take it up a little  
15 further in the morning.

16 Anything else we need to take up on the record  
17 tonight?

18 MS. DeWITT: Yes, Your Honor. Today we heard the  
19 testimony of Patrick Bowens and it's the government's intent  
20 and expectation, Your Honor, as the trial proceeds to  
21 introduce audio, video recordings. And in connection with  
22 that introduction, the government anticipates providing some  
23 additional authentication, foundational authentication for  
24 those recordings by way of either participants or individuals  
25 who can authenticate the voices, et cetera.

1           Mr. Bowens, the purpose of calling him was to  
2       establish essentially, sort of like with a wiretap, the  
3       integrity of the -- we don't have a tape here, but  
4       essentially the Red Tiger itself has integrity as the hash  
5       marks --

6           THE COURT: The digital fingerprints.

7           MS. DeWITT: Right, exactly. So he testified about  
8       doing a sampling of the audios that we intend to use at  
9       trial. They're in that particular what we call audio only  
10      recordings from the apartment and my request is Your Honor  
11      the sole basis for an objection by the defense is that it was  
12      a sampling and he didn't listen to every single and compare  
13      every single one to the original that that objection be made  
14      known now before this person gets on a plane and goes back to  
15      Washington, DC if that's the objection.

16          THE COURT: Before you offer to play them.

17          MS. DeWITT: Before I offer to play them. I  
18      understand they may have other objections unrelated to this  
19      testimony, but just the fact of him doing only a random  
20      sampling is the basis of an objection, I would ask that  
21      objection be made known now.

22          THE COURT: All right. Is that going to be the  
23      basis for -- I think I understand the request. Is that going  
24      to be the basis for an objection to playing the --

25          MR. AARON: We have a lot of objections to the

1 audio and the audio visual evidence. We think there is a lot  
2 of problems with it. So I'm not trying to micromanage the  
3 government's case or anything like that, but it would seem to  
4 me that they should lay whatever foundation that they think  
5 appropriate and we do intend to challenge all of that  
6 surveillance evidence.

7 THE COURT: All right. But in terms of simply an  
8 objection based on the authentication techniques that the  
9 agent described which includes more than just a sampling to  
10 verify. I don't think there's an authentication problem. I  
11 think that has been satisfied. If you are gonna make that  
12 objection, then I think and I understand you will probably  
13 have other objections based on the cross-examination I heard,  
14 but the government's -- I think the government's request is  
15 that if you are making an objection as to the sampling as a  
16 means for authentication and foundation that the government  
17 be allowed to remedy that. I think at this point I would  
18 probably overrule that objection, but if that's the objection  
19 and I haven't heard from you yet so that's why I say  
20 inclined.

21 MR. AARON: The answer is yes, that would be one of  
22 them and if the government wants permission to recall Agent  
23 Bowens or to have him listen to the rest of the tapes, I have  
24 no objection to them doing that.

25 THE COURT: All right. Do you have anything to

1 add, Mr. Thomas?

2 MR. THOMAS: No, Your Honor. I would echo  
3 Mr. Aaron's sentiments. I also think Agent Bowens testified  
4 that because he didn't put the content on the CD, he's not  
5 sure how representative of all the recordings are only  
6 reflected on that CD. I even asked him how much data was  
7 collected and the gigabyte size and he didn't know so we've  
8 got a lot of problems with that.

9 THE COURT: All right.

10 MS. DeWITT: I don't think you want at this point  
11 me to get into the details, but that completely misstates the  
12 testimony.

13 THE COURT: I think you have an answer. I've told  
14 you just as a cursory matter that I think the authentication  
15 was probably in terms of sampling, I don't think that's a big  
16 issue, but I haven't really heard the defense's complete  
17 argument on it. So they are going to make that objection  
18 that's clear. You have an answer.

19 MS. DeWITT: I appreciate the Court's effort for  
20 that clarity.

21 THE COURT: You can take a chance or not as you see  
22 fit. All right. Anything else?

23 MR. AARON: No, Your Honor.

24 THE COURT: All right. Thank you very much.

25 (Proceedings were concluded at 5:00 p.m.)



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